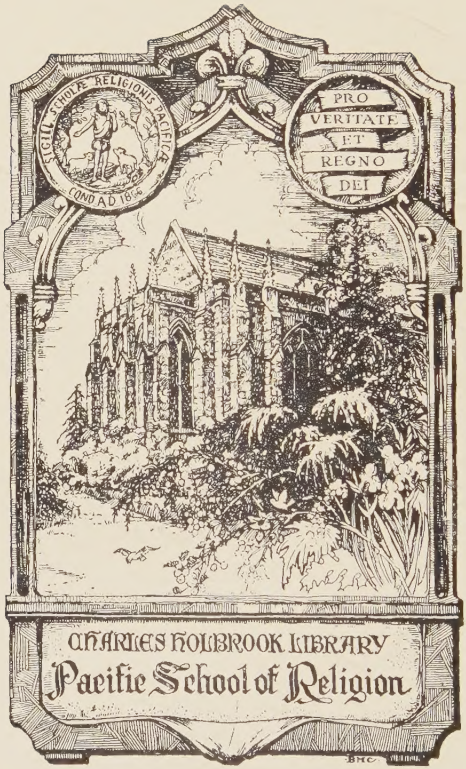

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PUBLICATIONS

OF THE

AMERICAN

JEWISH HISTORICAL SOCIETY

NUMBER 26

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The Lord Baltimore Press
BALTIMORE, MD., U. S. A.

AMERICAN JEWISH HISTORICAL SOCIETY.

LIST OF OFFICERS.

President:

DR. CYRUS ADLER, Philadelphia, Pa.

Vice-Presidents:

HON. SIMON W. ROSENDALE, Albany, N. Y.;
PROF. RICHARD J. H. GOTTHEIL, New York;
REV. DR. DAVID PHILIPSON, Cincinnati, O.;
HON. JULIAN W. MACK, Chicago, Ill.;

Corresponding Secretary:

ALBERT M. FRIEDENBERG, 38 Park Row, New York.

Recording Secretary:

SAMUEL OPPENHEIM, New York.

Treasurer:

HON. N. TAYLOR PHILLIPS, New York.

Curator:

LEON HÜHNER, New York.

Additional Members of the Executive Council:

(Term expiring with the 27th Annual Meeting.)
RABBI HENRY COHEN, Galveston, Texas;
L. NAPOLEON LEVY, New York;
HON. MAYER SULZBERGER, Philadelphia, Pa.;
HON. SIMON WOLF, Washington, D. C.

(Term expiring with the 28th Annual Meeting.)
CHARLES J. COHEN, Philadelphia, Pa.;
DR. HERBERT FRIEDENWALD, Kew Gardens, Long Island, N. Y.
PROF. MAX L. MARGOLIS, Philadelphia, Pa.;
PROF. ALEXANDER MARX, New York.

(Term expiring with the 29th Annual Meeting.)
LEE M. FRIEDMAN, Boston, Mass.;
PROF. J. H. HOLLANDER, Baltimore, Md.;
MAX J. KOHLER, New York;
DR. A. S. W. ROSENBACH, Philadelphia, Pa.

HON. OSCAR S. STRAUS, New York, *ex-officio*, as Past President of the Society.

OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of America, and to promote the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent. It is known that Jews in Spain and Portugal lent no inconsiderable aid to the voyages that led to the discovery of America, that a few accompanied the earliest discoverers and that Jews were among the first settlers on this continent, and in its adjacent islands. Considerable numbers saw service in the Colonial and Revolutionary wars, some of them with great distinction. Others contributed liberally to the Continental treasury, at critical periods, to aid in the establishment of Independence. Since the foundation of our government, Jews have played an active part in the political affairs of the country, and have been called upon to hold important public positions. The records of the achievements of these men will, when gathered together, prove of value and interest to the historian, and perchance cast light upon some obscure parts of the history of our country.

PREFACE.

For the first time in the history of this Society a substantial portion of one of its *Publications* is given over to papers of a general Jewish historical interest; hitherto the contents of our volumes were either exclusively or prevailingly devoted to topics in American Jewish history.

All the papers in this volume, with one exception, were presented at the twenty-fifth annual meeting, which took place in New York in April, 1917. The exception is the paper by Mr. Hühner, which was submitted at the annual meeting of 1914 in Philadelphia. It is included in this volume because of its timely interest at this juncture in the affairs of the nation. Hence the present volume, with its detailed account of the proceedings to mark the end of the first quarter-century of the existence of the Society, may stand as commemorating this auspicious event in its career.

The preparation of this volume was entrusted to the following publication committee: Albert M. Friedenberg, chairman, Prof. Alexander Marx and Dr. A. S. W. Rosenbach, with Dr. Cyrus Adler *ex officio*.

It may be announced that the second Lyons volume, the companion to that issued as No. 21 of these *Publications,* is now in press and will be issued as No. 27 with all convenient speed.

A special edition of Mr. Kohler's paper, as printed in this volume, is being published by The American Jewish Committee.

TWENTY-FIFTH ANNUAL MEETING.

The twenty-fifth annual meeting of the American Jewish Historical Society was held in the assembly room of the Hotel Ansonia, Broadway and Seventy-third Street, in the City of New York. It began on the morning of Sunday, April 22, 1917, continued in the afternoon of that day, and ended on the morning of Monday, April 23, 1917. On Sunday evening, April 22, at the Hotel Ansonia, The Judaeans, a New York society, tendered a reception to the officers, members and friends of the Society, in honor of its silver jubilee.

The president, Dr. Cyrus Adler, was in the chair, and opened the proceedings by extending a cordial welcome to those present. Mr. Albert M. Friedenberg, corresponding secretary, was secretary of the meeting. During a portion of the session on Sunday afternoon, Hon. Simon W. Rosendale, the senior vice-president, presided.

The officers presented their annual reports. Mr. Friedenberg, the corresponding secretary, announced that the Society had a total membership of 383 persons,—3 honorary, 43 corresponding and 337 active members, of the last-named 6 being for life,—on April 15, 1917. Since the previous report the Society lost by death 1 corresponding and 9 active members; 6 active members resigned and 9 were dropped for non-payment of dues. *Publications* No. 24 and No. 25 were issued on September 1, 1916 and January 1, 1917 respectively. Both were noticed far and wide, and the Society has received favorable consideration in many unrelated quarters through their appearance. The following were the delegates of the Society at the celebration by the New Jersey Historical Society of the 250th anniversary, May 1, 1916, of the founding of Newark: Rabbis Charles I. Hoffman and Solomon Foster, and Albert M. Friedenberg and Leon Hühner. Dr. Cyrus Adler

represented the Society at the conference called by The Jewish Publication Society of America to consider the preparation of a work, "The Jews in the Wars of the United States." Hons. Simon W. Rosendale, Oscar S. Straus and N. Taylor Phillips comprise the committee on finance of the Society. Prof. J. H. Hollander, Dr. A. S. W. Rosenbach and Leon Hühner acted as a committee to consider the publication of the Lopez papers by the Society; they have completed their task, and the eventual appearance of this material may be awaited with confidence.

The curator, Mr. Leon Hühner, submitted his report which is printed in this volume.[1] The treasurer, Hon. N. Taylor Phillips, reported for the fiscal year, October 1, 1915 to September 30, 1916 inclusive. This report was referred to Dr. Lee K. Frankel and Joseph L. Buttenwieser, of New York, as an auditing committee, and read, as follows:

REPORT OF TREASURER.

General Fund.

RECEIPTS.

Members' dues and back dues	$1,582.50
Refund from Curator	1.00
	$1,583.50

EXPENSES.

Balance due to Treasurer October 1, 1915	$ 48.63
Disbursements, Corresponding Secretary's office	795.41
Disbursements and clerical services, Lyons Collection Committee	546.42
Disbursements for 24th Annual Meeting	33.75
Disbursements, Treasurer's office	24.00
The Lord Baltimore Press, Report of Committee on By-Laws	22.30
Fire Insurance premiums	6.25
Rental Safe Deposit Box	5.00
Disbursements, President's office	4.75
Disbursements, Jewish Material in Foreign Archives	2.50
Exchanges National City Bank	2.00
Balance with Treasurer, September 30, 1916	92.49
	$1,583.50

[1] See p. xxxiii *et seq.*

PUBLICATION FUND.

RECEIPTS.

Balance with Treasurer, October 1, 1915	$ 93.67
Sales of Publications	72.95
From Permanent Fund in New York Life Insurance & Trust Co., by resolution of Executive Council	686.69
	$ 853.31

EXPENSES.

The Lord Baltimore Press, printing, etc., Publication No. 23	$ 686.69
Balance in National City Bank of New York, October 1, 1916	166.62
	$ 853.31

STATEMENT OF THE ASSETS OF THE SOCIETY, OCTOBER 1, 1916.

GENERAL FUND.

Deposit in National Savings Bank of Albany, N. Y. (interest added to July 1, 1916)	$2,639.79
Balance in National City Bank of New York	92.49
	$2,732.28

PUBLICATION FUND.

Principal deposited in New York Life Insurance & Trust Co., including interest to July 1, 1916	$1,789.86
Balance in National City Bank of New York	166.62
	$1,956.48

As a committee on nominations Rev. Dr. Abram S. Isaacs, of Paterson, N. J., Clarence S. Nathan, of New York, and Dr. Abraham A. Neuman, of Philadelphia, were appointed by the chair. Their report was presented at the concluding session and, in accordance therewith, the following officers and addi-

tional members of the executive council were unanimously elected, viz.:

President, Dr. Cyrus Adler, Philadelphia, Pa.; vice-presidents, Hon. Simon W. Rosendale, Albany, N. Y.; Prof. Richard J. H. Gottheil, New York city; Rev. Dr. David Philipson, Cincinnati, Ohio; Hon. Julian W. Mack, Chicago, Ill.; corresponding secretary, Albert M. Friedenberg, New York city; recording secretary, Samuel Oppenheim, New York city; treasurer, Hon. N. Taylor Phillips, New York city; curator, Leon Hühner, New York city. Additional Members of the Executive Council (for a term of three years, expiring with the twenty-eighth annual meeting of the Society): Charles J. Cohen, Philadelphia, Pa.; Dr. Herbert Friedenwald, Denver, Colo.; Prof. Max L. Margolis, Philadelphia, Pa.; Prof. Alexander Marx, New York city.

The following cablegram and letter were received from The Jewish Historical Society of England:

MARCONI, LONDON.

HISTORICAL SOCIETY, *38 Park Row, New York.*

Congratulations from Jewish Historical Society, England. Letter follows.

ABRAHAMS.

18, PORCHESTER TERRACE, W. 2, LONDON, ENGLAND,
April 15th, 1917.

Sir:

I have the pleasure of offering to the American Jewish Historical Society, on the completion of its first 25 years of existence, the cordial congratulations of the Jewish Historical Society of England. We watch your activity with keen interest and pleasure. For the two Societies have similar objects; and both have peculiar difficulties to meet, because the conditions from which the Jewish race has suffered in the past render specially arduous the reconstruction of its history. For overcoming the difficulties in the way of our work in England, the achievements of the American Jewish Historical Society must always be helpful—besides being very welcome for their own sake.

It is therefore with much gratification that we learn—from the series of your publications treasured in our Mocatta Library in London—how great has been your success: and we are confident

that you will long continue to do work of the greatest benefit to us and to all students of Jewish history.

With renewed congratulations and hearty good wishes,

Believe me, dear Sir,

Yours sincerely,

LIONEL ABRAHAMS,

President of the Jewish Historical Society of England.

TO THE PRESIDENT OF THE
AMERICAN JEWISH HISTORICAL SOCIETY.

To these, the following reply was despatched:

American Jewish Historical Society,
S. E. Cor. Broad and York Streets,
Philadelphia, Pa.,

May 24, 1917.

Sir Lionel Abrahams, K. C. B.,
President, The Jewish Historical Society of England,
18 Porchester Terrace, W. 2,
London, England.

Sir:

Your communication, dated April 15th and your cablegram, tendering the congratulations of the association over which you so ably preside to this Society on the completion of twenty-five years of existence, came duly to hand, and we beg to assure you and the officers, council and members of the Jewish Historical Society of England of our heartfelt appreciation of your good wishes.

For many years now the American Jewish Historical Society, steadily devoted to the study of Jewish history, has cast sympathetic eyes across the sea, fully comprehending that in your association there are gathered a band of students imbued with ideals similar to our own.

May we not express the hope and the wish, that it be given us, and those who will come after us, to enjoy the advantage of your coöperative stimulus in our identic work.

With reiterated expressions of our appreciation for your felicitations and of our regard, we are, Sir,

Yours obediently,

On behalf of the American Jewish Historical Society,

CYRUS ADLER,
President.

ALBERT M. FRIEDENBERG,
Corresponding Secretary.

In addition, letters and telegrams were received from Prof. Gottheil, Dr. Herbert Friedenwald, Samuel Oppenheim, Mrs. Louis Florsheim and Bernard Benfield.

The following necrologies of deceased members of the Society were presented at the session held on Sunday morning:

Bernard Bruenn, by L. V. De Gruy; Ceasar Cone, by Dr. Cyrus Adler; Benjamin Franklin Einstein, by Hon. Oscar S. Straus; Selmar Hess, by Lee Kohns; Martin A. Marks, by Hon. Simon Wolf; Jacob Ottenheimer, by Rev. Dr. Louis Grossmann; Martin Philippson, by Rev. Dr. David Philipson; Francis Deák Pollak, by Hon. Benjamin N. Cardozo; Moses R. Walter, by Dr. Cyrus Adler; Edward Wolf, by Clinton O. Mayer.

The following papers were read:

Miss Elfrida Cowen, of New York: "Judith Peixotto Hays."

Daniel P. Hays, of New York: "Dr. Daniel L. M. Peixotto."

Dr. Abraham A. Neuman, of Philadelphia: "Napoleon and the Jews." (The preparation of a volume on the emancipation of the Jews in France and the Napoleonic Sanhedrin has been authorized by the Executive Council, a special committee having charge thereof.)

Dr. Solomon Zeitlin, of Philadelphia: "When Did Jerusalem Surrender to Antiochus Sidetes?"

Rev. Dr. Abram Simon, of Washington, D. C.: "Notes of Jewish Interest in the District of Columbia."

Mrs. Minnie D. Louis, of New York: "America, Thou Hope of Nations!" (An original poem.)

Israel Cowen, of Chicago: "References to Jews in Harris Newmark's 'Sixty Years in Southern California.'"

Lee M. Friedman, of Boston: (1) "Six French Men-of-War Full of Jews at Louisburg"; (2) "Cotton Mather and the Jews."

Leon Hühner, of New York: "David Salisbury Franks, a Distinguished Patriot and Officer of the Revolutionary War."

Mrs. Max J. Kohler, of New York: "Some American Litterateurs of the Last Century."

Max J. Kohler, of New York: "Jewish Rights at the Congresses of Vienna (1814-1815) and Aix-la-Chapelle (1818)."

Prof. Alexander Marx, of New York: "Aims and Tasks of Jewish Historiography."

Rev. Dr. David de Sola Pool, of New York: (1) "*Shemah Israel,* a Magazine of the Reform Movement in Curaçao, 1864-1865"; (2) "A MS. Hebrew Work of Samuel Robles de Medina, Surinam, 1762"; (3) "'The Refutation' of Rabbi B. C. Carillon, Jamaica, 1847"; (4) "Warder Cresson's 'The Key of David,' 1852"; (5) "A Pamphlet on the Subject of Reform, Jamaica, 1848"; (6) "Colonel Myer Asch and the Centennial Exposition at Philadelphia, 1876."

A. B. Makover, of Baltimore: "Mordecai M. Noah, His Life and Work, from the Jewish Point of View."

The following papers were presented by title:

Albert M. Hyamson, of Cheshunt, Eng.: "British Projects for the Restoration of the Jews."

Rabbi Julius J. Price, of Toronto: (1) "Newman L. Steiner, the First Jewish Justice of the Peace in Ontario"; (2) "Further Data on the Hart Family of Three Rivers, Quebec"; (3) "Esther Brandeur, an Early Canadian Jewish Convert"; (4) "The Ashers of Toronto"; (5) "An Unpublished Letter of Aron Ezekiel Hart."

Mrs. Carrie Baumgarten Wallenstein, of Baltimore: "A Note on Selig Baumgarten, the First Seal Engraver in the United States."

On motion, the thanks of the Society were formally extended to The Judaeans for its courtesy in arranging a reception and entertainment in honor of the Society.

THE RECEPTION BY THE JUDAEANS.

At the reception rendered to the Society by The Judaeans, its president, Dr. Henry M. Leipziger, presided and delivered a brief address of introduction, besides welcoming the different speakers.

Hon. Oscar S. Straus, past president of the Society, said in part:

Twenty-five years ago this Society was organized. The inspiration for the foundation of this Society came principally from Dr. Cyrus Adler, the present president. When we were talking about founding this Society, I together with several others scarcely believed that the history of the Jews of this country and their contribution to its history were extensive enough to base the foundation of a society upon. I thought as many others thought that the tale could be told, but it could be told in a volume or two at most. I had been a student of American history all my life, and I doubted very much of the wisdom of the founding of such a society. I particularly desired to avoid exaggerating the acts of the few Jews who had become prominent in the colonial times, in the early times, and since then, and I thought it might be a great evil.

At any rate, we organized, and I had the temerity to accede to the very flattering request of the gentlemen who came together on that occasion to accept the presidency of it, which I think I held for eight years. I was astonished as we delved into the archives and directed our attention to the early history of this country, what a wealth of material there was! The best evidence is, the twenty-five volumes of the *Publications of the American Jewish Historical Society.*

Some years ago, while we were meeting in Washington, when Justin Winsor, one of the great historians of this country, who had contributed so much to the history of the various branches of this Government, was present, he listened to our papers. At the same time there was meeting in the City of Washington, the American Historical Association, of which he was president, and

he said that the new material that the American Jewish Historical Society had brought forth that year was far more important, more original than had been brought forward by the American Historical Association.

Our object when we formed this Society, our purposes were stated in a foreword, which has been somewhat amended and amplified, and I will read that foreword which will give you exactly the purpose we had in view. [Mr. Straus here quoted the "objects" of the Society as printed in this volume.[2]]

So you see that the purposes and objects of this Society were in the highest sense patriotic. Patriotic in the American point of view, for whatever light we could throw upon a neglected corner of the history of this country, would be valuable to the whole people, for a better understanding of the origin and development of their country.

We are all particularly fortunate in having here in America, not like other countries whose origins are shrouded in legend and mystery, recent history. The history of America, speaking historically, is all so recent, that no part of it is shrouded in the maze of tradition and fiction. And that is a most material fact for the people of this country. Unfortunately the knowledge of that history to a great number of our population, and a great number of the Jews of America, is shrouded in mystery, because of ignorance, and to remove that cloud of ignorance was, and shall continue to be, one of our great objects.

A people who do not know their origin, who do not know what to be proud of, often through their ignorance become ashamed of that origin. Very few Jews in this country know that we have a right and a standing on this continent, and in the origin and development of our country, second to none, and when a Jew says, *I am an American*, he has as much authority to say so by reason of the antiquity of his birthright, as any other white man upon this continent.

As early as 1511, the Queens of Portugal and Spain complained that too many Jews were going into the Portuguese and Spanish colonies of America. Twenty-five years after the Puritans set foot upon this continent, the first Jewish settlers came here to New York. We are only twenty-five years behind the Pilgrim Fathers, and we have a right to consider ourselves Pilgrim Fathers as well, for the Lord knows we have been Pilgrims long enough, and we have not shirked our duties even as fathers!

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[2] See p. v.

That which is true of our Americanism, is also true with reference to our Judaism. I have never met a Jew who was familiar with the history of his people, who ever was ashamed of being a Jew. It is only those who are not acquainted with the heroic history, the most heroic history of all the peoples of the world; it is only those whose minds are closed to that history, who apologize for Judaism.

I think that this Society has contributed largely to making the American, who happens to be a Jew, proud of his Americanism, and certainly not ashamed of his Judaism. Therefore we have performed and are performing a very valuable function as a section of the American people, so far as we are concerned, and for the whole American people because we are shedding light upon an important branch of their history.

Of course it was known to a great many people, but not to the Jews, that the ideals, the very ideals, of our Government, were taken from the first democratic government that ever existed, the Hebrew Commonwealth. The Puritans knew it, because they were the purveyors of those ideals, but there are very few, even of our people, who know that fact. It was a kind of tradition that there were some Jews, in a mysterious way, connected in some remote manner, with the discovery of this Continent. Twenty-five years ago, when we started, no one had any definite knowledge or information upon the subject. Dr. M. Kayserling, the distinguished rabbi of Budapest, who had made Spanish-Jewish history a life-study, through the instrumentality of Moses Erlanger, whom many of you, perhaps, remember, was put in communication with me, and besides a man, who for many years was a Congressman from this State in our House of Representatives had made a statement, which I also saw somewhere, that some Jews were connected with Columbus in the discovery of America.

We did not know it; I confess I was ignorant of it; as to who these men were; what their names were; but there was a kind of a tradition flying in the air, that it was so. Inspired by the desire of shedding light upon our history, my sainted father aided me in securing the services of Dr. Kayserling,—and I want to say that he would receive no remuneration for his services, it was only for his expenses,— and he went to Spain, searched carefully through the archives and brought the facts to light which he put into a book written in German, and which was translated by the late Prof. Charles Gross of Harvard into English, and with which you are, I am sure, familiar.

This was in itself a great contribution to the history of our country. It was also supposed, and it was a beautiful story, that

Queen Isabella in her vision and patriotism, had taken the pearls from her neck in order to secure the money to man the caravels that brought Columbus to this Continent. But it wasn't known that it was Gabriel Sanchez, and Luis Santangel, the Treasurer-General of Aragon, who had the vision, the prophetic vision, that provided the money and secured it for Columbus, because he had been dismissed by the Court of Ferdinand and Isabella. These two men supplied the money, and the accounts are still in existence, and I will say here what I have said before; while that money was repaid by the Spanish Government, no interest was ever charged for that loan.

And yet we Jews are supposed to be materialists, but those who understand our history also understand that if the Jews had, throughout their history, been materialists, like other materialists they would have died centuries ago. It is because they have always been ready to sacrifice all their material advantages upon the altar of their idealism that they have brought their God and themselves through the ages.

I cannot imagine a Jew who is conversant with the history of his religion, and who is imbued with the spirit, not to be a thorough democrat, and a thorough supporter of free government, because no people can support their Government unless they have an idealism. Freedom is an ideal. . . . .

Twenty-five years ago we organized this Society, and we ought to be most thankful that so many of those who participated in the organization twenty-five years ago, so many are with us yet. Very few have dropped out. Now, that is a cause of great gratitude. I see many faces here that I saw before me at the first meeting we held twenty-five years ago. And we have reason to be proud of our work.

We have given inspiration with our knowledge. We have encouraged a number of young men to direct their attention to historical investigation, and a number of them have done marvelously fine work. It has been a training for them. It has helped them to be careful historical students. Our twenty-five volumes bear witness to this. And just as we have been endeavoring to clarify the past for the present generation, we are clarifying to-day for future generations and will also clarify the events through which we are passing. . . . .

Dr. Cyrus Adler, president, then delivered an address, which is printed elsewhere in this volume.[3]

[3] See p. 1 *et seq.*

Prof. Jacob H. Hollander, of Baltimore, read a paper entitled "The Novel Jew."[4]

Daniel P. Hays, a vice-president of The Judaeans, spoke in part, as follows:

. . . . . It is a fact which Jew and Gentile must acknowledge upon the occasion of this 25th anniversary of the founding of the American Jewish Historical Society, that this Society has performed a great work, a lasting work, a work which will be as a heritage to the Judaeans and to all those who are interested in the welfare of the Jewish race.

It is true that there were but a few Jews in this country in the early days, but it is equally true that the few of our race who were here assisted in building up this republic, in making possible the great nation of which we are now a part, not only in giving of their person and of their property, but as merchants in contributing to the wealth and the prosperity of this nation, and in doing so, carrying out ideals equally as high as those of their fellow men.

The knowledge of these facts was possessed in a general way by a few Jews, by those who are members of the American Jewish Historical Society, but to refute the claim, and to prove that the Jew was entitled to be called an American and not an alien, to prove that he actually had taken a part in the formation of this republic required the work of this Society, to unearth the facts from musty records, and place them before the Jewish public, and in the libraries of this country, so that when the Jew was maligned, when he was called an alien, his record could be pointed to, not as a matter merely of pride, not because we wanted to magnify the deeds which the Jews in this country did in the early days, but because we felt that we were justified in having the facts presented to Jew and Gentile alike. And this work which the Society has done has been disinterestedly done, disinterestedly personal because, outside of the fact that everyone who has worked to accumulate this record was interested in his race, there was no personal interest.

Most, if not all, of the work represented in those records, has been done by disinterested scholars, disinterested men who re-

[4] It was printed in *The American Hebrew*, May 4, 1917, p. 890 *et seq.*, and in "Judaean Addresses Selected," New York, 1917, vol. ii, p. 170 *et seq.*, as well as, in part, in *The Jewish Exponent*, September 7, 1917, pp. 1, 8, and *The Jewish World*, October 10, 1917, pp. 11, 12.

ceived no pay for their services, but who were animated by a desire to justify their race in the eyes not only of the American people, but in the eyes of the Jew himself, and without the work which the American Jewish Historical Society has done, it would be impossible for us to point to the facts, which we have found necessary to do, in answer to abuse or misrepresentation. And this work which the American Jewish Historical Society has done, has been of great value to the Jews of America.

It is rightful for us to think of the fact as has already been mentioned by the other speakers, that we are a part, an integral part of this great nation; that we have assisted in its foundation; that we have contributed Jewish ideals to American ideals; that we have as much right to be proud of the history of this great republic as we have a right to be proud of the history of the Jew, and this fact, my friends, brings with it a responsibility. If we are a part of this nation by right; if we are a part of its history as these volumes show, then upon us there is imposed a like responsibility. . . . .

The reception was concluded by a collation.

TWENTY-SIXTH ANNUAL MEETING.

The twenty-sixth annual meeting of the American Jewish Historical Society was held in the lecture-hall of The Dropsie College for Hebrew and Cognate Learning, Broad Street below York, in the City of Philadelphia. It began on the evening of Monday, February 11, 1918, and ended in the afternoon of Tuesday, February 12, 1918. The president, Dr. Cyrus Adler, was in the chair, and Mr. Albert M. Friedenberg, corresponding secretary, was secretary of the meeting.

At the opening session the president delivered the following address of welcome:

Ladies and Gentlemen:

It is my privilege to welcome you to the twenty-sixth annual meeting of the American Jewish Historical Society which I do most heartily. The privilege I think has been granted to me too frequently. During all of the twenty-six years of the existence of the Society I have served first in the capacity of Corresponding Secretary and now for twenty years as your President. I deeply appreciate the honor which you have from year to year bestowed upon me. Two years ago I indicated to the Society my desire to retire from the office of President. I was overpersuaded to continue in the office until after the completion of our first quarter of a century and having done so I now feel it a right and a duty to ask to be relieved from further service as your chief executive officer. I told my colleagues on the Executive Council my view on the subject last October and now make it known to the whole Society. I ask that my request in this matter be respected and in doing so wish to make it clear that I feel it a very great honor to have been permitted to act as President of the Society so long. In spite of the large growth of Jewish population and Jewish organizations in the United States, this Society is still the only Jewish society national in scope whose sole purpose is the pursuit of knowledge. It seems rather strange that this should be the case and I daresay the condition will not continue very long. But still

the American Jewish Historical Society will always hold an honored position in the field of Jewish studies in America. There are various reasons which impel me to the request that I be not continued in this office, probably first and foremost the thought is in my mind that my coreligionists and in fact my fellow citizens of all shades of opinion have been more than kind in bestowing honors and offices upon me. Not infrequently has this been made a matter of reproach against me in public and I daresay in private. I am not very much moved by reproaches of this sort, but knowing as I do that there are few such distinctions in American Jewish life, it seems to me but fair that too many should not be accorded to one person. Although I may not have exemplified it in practice, not due to my own fault, and while I cannot be truthfully charged with being a political spoilsman, I nevertheless hold to the good old American doctrine of rotation in office and I believe that this Society ought to practice it at least so far as the presidency is concerned.

The evening's programme is sufficiently long to prevent me from unduly obtruding myself upon you. I cannot omit, however, to call your attention to a contribution to American Jewish history which has appeared during the past year in the shape of a volume entitled "The History of the Jews of Richmond from 1769 to 1917," by Herbert T. Ezekiel and Gaston Lichtenstein. This is a notable addition to our very small number of local histories of which we have too few. I am decidedly of the opinion that as a matter of policy this Society ought to encourage the preparation and publication of such local histories. Much of this sort of work must be done before a satisfactory history of the Jews in America can be written.

Several years ago this Society joined with others in the endeavor to prepare and publish for popular distribution a work entitled "The Jews in the Wars of the United States." That part of the task which related especially to the Colonial Wars, the Revolutionary War and the War of 1812 would have fallen within the province of our Society and I daresay will when the time comes to write the book. However, the great war has intervened and the energies of all those whose time can be employed for historical work in connection with this war is now being put into the collection of records of the army, the navy and the allied military service as well as of contributions of Jews to the war through the various civil arms of the Government which are dealing with this tremendous task. This work is now principally being done by cooperation of the Bureau of Jewish Statistics of The American Jewish Committee and of that Committee itself with the Jewish

Board for Welfare Work in the United States Army and Navy. The attempt will be made to secure the name, branch of service and actual service of every Jew who actually engages in this great struggle on behalf of the United States. That the numbers engaged will be far beyond anything ever conceived of in American Jewish life can well be imagined. I do not care to deal with estimates although as far as we may judge the percentage of Jews in the United States Army is about 5 per cent of the total and in the United States Navy about 1½ per cent of the total. I am informed by the Bureau of Statistics that they actually have already on cards the names and services of over 22,000 men. This matter is being very methodically collected through a bureau especially established in Washington for the purpose and is but a part of that general work in the collection of materials for history which this Society has encouraged from the beginning and which has been notably helped by The Jewish Publication Society of America and The American Jewish Committee through the list of events in the annual *Year Books*.

Speaking of war service one is inevitably led to that other great agency in mitigation of the horrors of war, the International Red Cross, and I daresay that few or any recall the fact that the initiative for the formation of this society in America came from an honored member of own Society and of the community, Adolphus S. Solomons, at whose house in Washington the American Red Cross Society held its first meeting. He was for seventeen years a member of the National Association and one of its two vice-presidents and he with Clara Barton was appointed by President Arthur to represent the United States Government at the International Congress of the Red Cross which was held in Geneva in 1881. He was elected vice-president of that Congress and was one of the five original members of the New York Executive Board of the Red Cross Relief Committee.

I take special pleasure in mentioning an interesting circumstance of this kind because Mr. Solomons, having lacked those self-advertising qualities which even men who do not need them sometimes employ, is too little connected in the public mind with the origin of this national branch of the great humanitarian organization which had its origin in the Geneva convention of 1864.

In view of my expected relinquishment of the office with which you have been good enough to honor me for a period of years may I conclude this word of welcome with a piece of advice? The proper position of the Jews as one of the numerous forces engaged in the upbuilding of the United States has not received adequate treat-

ment or recognition probably for two reasons. First I think that many of our collaborators have been overzealous, and in presenting the matter honestly and diligently collected by them have failed to keep a proper perspective, or, what is the same thing, have not painted the background of American history and so their own little portrait has stood out in too bold relief sometime giving, what was never intended, a rather exaggerated impression. The most notable results of this exaggeration as far as I am aware are the wild statements made by Sombart with regard to the participation of the Jews in the financial operations in America, in colonial and later times. This has sometimes produced a reaction and a tendency on the other hand to ignore perfectly authentic statements or an unwillingness on the part of the general historian, who, not giving full faith to the presentation of an earnest student himself not a professional historian, has entirely ignored some of the valuable material which we have collected.

On the other hand we have ourselves failed in my opinion in soberly and properly presenting the results of our studies in a popular form. I am not particularly interested in celebrations or tableaux or things of that sort, or employing terms for our own pioneers which have already been preëmpted for the whole of America, but I think the time has come when every general course of Jewish history should devote a modest chapter, depending on the length of the course, to the subject which is especially within the province of this Society. Our purposes have been stated as being to collect and publish material bearing upon the history of America, and to promote the study of Jewish history in general. Now we have collected and we have published, but we have done little to promote the study of history, American or otherwise. The increase of knowledge in any particular field is of course essential if our statements are to be trustworthy and accurate, but there is a duty also to diffuse that knowledge. This ought to be one of the considerable tasks of the second quarter-century of our existence and to this I hope my successor, whom you will choose, will devote a part of his time and his energy.

The officers presented their annual reports. Mr. Friedenberg, the corresponding secretary, announced that the Society had a total membership of 381 persons,—3 honorary, 42 corresponding and 336 active members, of the last-named 6 being for life,—on February 10, 1918. Since the previous report the Society lost by death 1 corresponding and 5 active members; 7

active members resigned and 5 were dropped for non-payment of dues. Two *Publications* are now in course of active preparation: No. 26, comprising the customary miscellaneous papers, is now in page-proof, and No. 27, the second volume of the valuable Lyons Collection, is being printed and set up in galley-proof form. The stock of *Publications* is now located in New York under our direct control. The following are the delegates of the Society to the Congress of National Service meeting at Chicago on February 21-23, 1918, under the auspices of the National Security League: Israel Cowen and Rev. Dr. Joseph Stolz. Hon. Oscar S. Straus, Profs. Alexander Marx and Richard J. H. Gottheil, Max J. Kohler and Rev. Dr. Abraham A. Neuman comprise the committee to consider and arrange for the publication of a volume on the Napoleonic Sanhedrin; Profs. Alexander Marx and Max L. Margolis and Leon Hühner the committee to prepare and report a plan to enable the Society to undertake systematic work in Jewish history; and Hons. Oscar S. Straus, Simon W. Rosendale and N. Taylor Phillips the committee on finance of the Society.

In conjunction with a number of national Jewish organizations, among which The Jewish Publication Society of America, the Union of American Hebrew Congregations, the Jewish Board for Welfare Work in the United States Army and Navy and the Bureau of Statistics of The American Jewish Committee may be mentioned, the Society is devoting its attention to the contemporaneous securing of detailed and accurate statistics and other information concerning the participation by the Jews of the United States in the great war. This work is being carried on under the immediate supervision of the director of the Bureau of Statistics of The American Jewish Committee.

The curator, Mr. Leon Hühner, submitted his report which is printed in this volume.[1] The treasurer, Hon. N. Taylor Phillips, reported for the fiscal year, October 1, 1916, to Sep-

[1] See p. xxxiv *et seq.*

tember 30, 1917, inclusive. This report was referred to Dr. Lee K. Frankel and Joseph L. Buttenwieser, of New York, as an auditing committee, and read, as follows:

REPORT OF TREASURER.

General Fund.

RECEIPTS.

Balance with Treasurer, October 1, 1916	$ 92.49
Members' dues and back dues	1,621.56
Life membership, James Hazen Hyde	100.00
Life membership, Hon. N. Taylor Phillips	100.00
Contribution, Hon. Simon W. Rosendale	100.00
Balance due to Treasurer, October 1, 1917	469.78
	$2,483.83

EXPENSES.

The Lord Baltimore Press, printing Publication No. 25	$836.16	
Same, postage and expressage	30.15	$ 866.31
Disbursements and clerical services, Lyons Collection Committee		651.51
Disbursements, Corresponding Secretary's office		610.52
Draft on Paris, Sanhedrin documents		176.85
Disbursements for 25th Annual Meeting		64.25
Engrossing Resolutions		35.00
Printing for Corresponding Secretary's office		32.50
New York Historical Society, 55 rectigraph negatives and insured parcel post		13.86
Library of Congress, photostat copies of Colebrook, Nesbitt and Frank papers		9.70
Fire Insurance premiums		6.25
Carnegie Institution of Washington, for publications		6.00
Rental Safe Deposit Box		5.00
Share toward expense of conference of national Jewish organizations held July 16, 1916		5.00
Exchanges National City Bank		1.08
		$2,483.83

PUBLICATION FUND.

RECEIPTS.

Balance with Treasurer, October 1, 1916	$ 166.62
From Permanent Fund in New York Life Insurance & Trust Co., by resolution of Executive Council	807.44
Printing special edition of Publication No. 24 for The American Jewish Committee	211.50
Printing special separates of Publication No. 24	17.60
Sales of Publications	88.55
	$1,291.71

EXPENSES.

The Lord Baltimore Press, printing Publication No. 24	$ 807.44
Same, transportation account	9.00
Balance with Treasurer, October 1, 1917	475.27
	$1,291.71

STATEMENT OF THE ASSETS OF THE SOCIETY, OCTOBER 1, 1917.

GENERAL FUND.

Deposit in National Savings Bank of Albany, N. Y., (interest added to July 1, 1917)	$2,746.41
Less Balance due to Treasurer, October 1, 1917	469.78
	$2,276.63

PUBLICATION FUND.

Principal deposited in New York Life Insurance & Trust Co., including interest to July 1, 1917	$1,020.88
Balance in National City Bank of New York	5.49
Balance due to Publication Fund by General Fund as above	469.78
	$1,496.15

As a committee on nominations Rev. Leon H. Elmaleh and William B. Hackenburg, of Philadelphia, and Leon Hühner, of New York, were appointed by the chair. Their report was

presented at the concluding session and, in accordance therewith, the following officers and additional members of the executive council were unanimously elected, viz.:

President, Dr. Cyrus Adler, Philadelphia, Pa.; vice-presidents, Hon. Simon W. Rosendale, Albany, N. Y.; Prof. Richard J. H. Gottheil, New York City; Rev. Dr. David Philipson, Cincinnati, Ohio; Hon. Julian W. Mack, Chicago, Ill.; corresponding secretary, Albert M. Friedenberg, New York City; recording secretary, Samuel Oppenheim, New York City; treasurer, Hon. N. Taylor Phillips, New York City; curator, Leon Hühner, New York City. Additional Members of the Executive Council (for a term of three years, expiring with the twenty-ninth annual meeting of the Society): Lee M. Friedman, Boston, Mass.; Prof. J. H. Hollander, Baltimore, Md.; Max J. Kohler, New York City; Dr. A. S. W. Rosenbach, Philadelphia, Pa.

In accepting reëlection as president of the Society, Dr. Adler stated that he consented to serve as such for the present and hoped a qualified person able to devote his entire time and energies to the interests of the Society would be found during the coming year, in which event he would retire in his favor.

Letters and telegrams expressing the writers' inability to attend the meeting were received from Profs. Gotthard Deutsch and Gottheil, Rev. Drs. Abram S. Isaacs and David Philipson, Hon. Simon Wolf, Messrs. Phillips, Rosendale, Friedman, Levy and Oppenheim.

The following necrologies of deceased members of the Society were presented at the session held on Tuesday morning:

Francisco Fernandez y Gonzalez; Edward L. Heinsheimer, by Rev. Dr. David Philipson; Samuel I. Hyman, by Israel Unterberg; Morris Newburger, by Simon Miller; Isaac N. Seligman.

The following papers were read:

Prof. Gotthard Deutsch, of Cincinnati: "Graetz, the Historian of the Jews."

Prof. Alexander Marx, of New York: "Glimpses of the Life of an Italian Rabbi of the First Half of the Sixteenth Century."

Max J. Kohler, of New York: "Educational Reforms in Europe in Their Relation to Jewish Emancipation, 1778-1878."

Miss Elfrida Cowen, of New York: (1) "Some California Pioneers"; (2) "An Interesting Reference to Warder Cresson."

Albert M. Friedenberg, of New York: "American Jewish Journalism to the Close of the Civil War."

Dr. A. S. W. Rosenbach, of Philadelphia: "Thomas Carlyle and His American Publisher, Abraham Hart."

Rev. Dr. Abraham A. Neuman, of Philadelphia: "Napoleonic Miscellanies."

Dr. Solomon Zeitlin, of Philadelphia: "The Struggle between the Sects in the Last Days of Jerusalem."

Lee M. Friedman, of Boston: "Gabriel Milan, the Jewish Governor of St. Thomas, Danish West Indies."

Samuel Oppenheim, of New York: (1) "David Franks as an Insurance Broker, 1757 and 1758"; (2) "A Letter of David Franks, dated 1778, as Commissary of Prisoners, etc."; (3) "A Jewish Shipowner of Newport, R. I., in 1705"; (4) "Two Gratz Documents, 1763 and 1773"; (5) "Samuel Judah's Bond to His Wife Elizabeth for Additional Marriage Portion and Dowry, March 27, 1775."

Rabbi Julius J. Price, of Toronto: (1) "The Nordheimers of Toronto"; (2) "Unpublished Correspondence between Arthur Wellington Hart and Lord John Russell relating to the Appointment to Office of the Former's Father, Benjamin Hart."

Rabbi Martin Zielonka, of El Paso: "Social Service Endeavor for Jewish Soldiers, El Paso, 1916."

The following papers were presented by title:

Dr. A. S. W. Rosenbach, of Philadelphia: "A List of Books and Pamphlets by or relating to Jews Printed in America,

from the Establishment of the Press in the Colonies until 1850."

Dr. Joseph Reider, of Philadelphia: "Secular Currents in the Synagogal Chant in America."

On motion, the thanks of the Society were formally extended to the president and governors of The Dropsie College for Hebrew and Cognate Learning for their courtesy in permitting the Society to hold its twenty-sixth annual meeting under their roof.

REPORTS OF LEON HÜHNER, CURATOR.

The Society has received by accession during the past year 135 bound volumes, so that its collection of books, exclusive of pamphlets, is now 1955. The collection of pamphlets has been increased by 1603 items which bring up the total number of pamphlets to 2729. The Society is indebted to Mr. Philip Cowen for a gift of about 1500 pamphlets, collected by him, and having a bearing on Jewish history, during the past forty years. Only a very small number of additions have been obtained by purchase. By far the greater number have come to us through gifts. Of these, three books deserve special mention, the first being "The Gratz Papers," edited by Mr. William Vincent Byars, and obtained for the Society through his courtesy from Mr. Anderson Gratz. The second is an elaborate *de luxe* publication on "The Belmont-Belmonte Family," prepared by our vice-president, Prof. Richard J. H. Gottheil, privately printed, and presented to the Society by him. The third, the gift of Mr. Samuel Oppenheim, is a rare volume, privately printed, entitled "Extracts from Various Records of the Early Settlement of the Jews in Barbados, W. I." [1] Mr. Oppenheim had obtained it from the late Alfred B. Daniels, of Philadelphia. Forty-eight items, consisting of books and pamphlets, are the gift of Mr. Albert M. Friedenberg, and 30 the gift of Mr. Leon Hühner, among the latter being a large collection of newspaper clippings from New York papers during the Spanish-American War relating to Jewish loyalty and patriotism in that connection. The Society is indebted to The Jewish Publication Society of America for the gift of 24 volumes of its publications previously missing from our collections, and to the family of the late Hon. Myer S. Isaacs for an interesting set of original minutes and papers of

[1] See *infra*, p. 250 *et seq.*

the Board of Delegates of American Israelites. Mr. Isaac Markens has during the year presented to the Society, a number of interesting items, among them being a collection of portraits of prominent Jews and 5 volumes of our Society's *Publications,* as well as a number of other books. Mr. Israel Solomons has presented his beautifully illustrated volume on "Lord George Gordon"; and gifts of books have likewise been received from Mr. Frank Cundall, Prof. Alexander Marx, Rev. Dr. Martin A. Meyer, Heer J. S. daSilva Rosa, of Amsterdam, Prof. A. S. Yahuda, Rabbi Moses J. Gries, Rev. P. A. Hilfman, of Paramaribo, and Mr. Lee M. Friedman, who has presented us with the pamphlet on the information of Francisco de Faria of 1680. Mr. Clarence S. Nathan has given us the original of a deed of trust executed by Judah Touro.

A number of interesting autographs have also been added by purchase during the year, and the Society is indebted to Mr. Arthur Meyer for a large crayon portrait of Senator David L. Yulee, copied by him from a small lithograph.

Your Curator again desires to call attention to the crowded condition of the room in which the Society keeps its collections, so that some initial move may be made toward obtaining larger quarters for our growing and valuable library.

Dated April, 1917.

The collections of the Society number at present 2022 volumes and 2779 pamphlets, of which 78 volumes and 50 pamphlets were added since the preceding report. There has also been an accession of 28 periodicals and a few prints and MSS.

Some years ago your Curator donated to the Society a large scrap book containing newspaper clippings of Jewish historical interest, which were collected by him during a number of years. These now have been carefully indexed to make the items available. Realizing the advantage of such a collection your Curator has added another volume thereto and is sending from

time to time clippings and pictures culled from newspapers and periodicals for insertion therein. This new scrap book is likewise being indexed.

The most interesting purchases made during the year are two plays by Samuel B. H. Judah which appeared about a century ago, "The Tale of Lexington," and "The Mountain Torrent"; two plays by Mordecai M. Noah, "The Grecian Captive," and "The Fortress of Sorrento," and Judah's work, "The Buccaneers," published in 1827, for which its author, because of the libels contained in the work on some of the people socially prominent in New York at the time, suffered imprisonment. Two Judah Monis items of 1722 have likewise been added as well as Willard's "Hebrew Grammar" (1817), Giles' *Heathen Records* and other rare items. Among the autographs added is one of Bernal and another of Neander, the famous church historian.

Gifts have been received during the year from Mr. William Vincent Byars; 21 items from our Corresponding Secretary, Mr. Albert M. Friedenberg, 2 from Dr. Harry Friedenwald, 2 from the Grand Lodge F. & A. M. of Pennsylvania, 10 from your Curator, 3 from Mr. Percy J. Marks of Australia, 2 from Prof. Alexander Marx, as well as others from Mr. Herman Eliassof, The Judaeans, Dr. A. Levinson, Mr. Samuel Oppenheim, Rev. Dr. Abram Simon, The Sons of the Revolution in California, and Dr. Solomon Solis Cohen.

We again acknowledge the courtesy of the various learned organizations in favoring us with their publications during the past year.

Dated February, 1918.

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ADDRESS OF THE PRESIDENT.

CYRUS ADLER, PH. D.[1]

The first suggestion as far as I know, toward the formation of this Society was made by the Rev. Dr. Abram S. Isaacs in an editorial which appeared in *The Jewish Messenger* dated November 12, 1886 urging that it would be fitting to take some steps, in view of the approaching four hundredth anniversary of the discovery of this continent, to prepare a history of the part which the Jews had played in its discovery and settlement.

The initiative which I took in sending out the call for this Society was, however, upon the advice of the late Rev. Dr. B. Felsenthal, of Chicago, who wrote under date of July 6, 1888, recommending that I undertake the formation of a Jewish Historical Society whose aim it should be to collect and preserve all the materials concerning the history of the Jews and Judaism in America. He said that in the archives at Washington, in the capitals of the older colonies, in the records of congregations and elsewhere, interesting documents might be found and if not *in extenso* at least a digest of them should be published and thus the material be gathered from which a future historian might write the history of American Israel.

I discussed the project at that time with the late Dr. Herbert B. Adams, then professor of history at Johns Hopkins University, and received from him encouragement and support and accordingly I drafted a circular in the autumn of 1890 and intended to take steps toward the formation of the Society in that year so that the proposed organization might be ready

[1] Delivered at the reception to the Society by The Judaeans, Sunday evening, April 22, 1917. See *supra*, p. xx.

to follow out the suggestions made and have some material, at least, prepared for 1892 when it was proposed to hold an International Exposition at Chicago to celebrate the four hundredth anniversary of the discovery of this continent.

Just at that time, however, the Exposition Company appointed me to go to the Orient to secure exhibits and the Foreign Affairs Department of the Exposition commissioned me to present the official invitations to the various Oriental countries and secure their official participation.

I returned from this service in the winter of 1892 and immediately thereafter took up the delayed project. The circular as to the project was sent to one hundred and fifty persons eliciting one hundred and fourteen favorable replies and with this as a basis, a meeting was held at the old building of the Jewish Theological Seminary, 736 Lexington Avenue, New York, on June 7, 1892, for the organization of this Society. Some forty persons were present, among them a number of distinguished men who have since passed away. Let me recall some of them to you: Dr. Charles Gross, professor of Mediaeval History at Harvard, Hon. Myer S. Isaacs, Rev. Dr. Marcus Jastrow, Sr., Rev. Dr. Alexander Kohut, Rev. Dr. Sabato Morais and Hon. Adolphus S. Solomons. Of those who were not present but who offered their support were such distinguished men as the late Justin Winsor, librarian of Harvard College, an eminent historical writer, Dr. M. Kayserling, of Budapest, and Prof. John Bach McMaster of the University of Pennsylvania.

Hon. Oscar S. Straus was elected chairman and after a protracted and at times animated discussion, this Society was called into existence. So much for its external history.

Its objects were then stated in the following form:

The object of this Society is to collect and publish material bearing upon the history of our country. It is known that Jews in Spain and Portugal participated in some degree in the voyages which led to the discovery of America, and that there were Jews

from Holland, Great Britain, Jamaica and other countries among the earliest settlers of several of the colonies. There were also a number of Jews in the Continental army, and others contributed liberally to defray the expenses of the Revolutionary war. Since the foundation of our government a number of Jews have held important public positions. The genealogy of these men and the record of their achievements will, when gathered together, be of value and interest to the historian and perchance contribute materially to the history of our country. The objects for which this Society was organized are not sectarian but American. The coöperation of students of history and of all persons who have an interest in the work of this Society is cordially invited.

A modification of this program was adopted in 1907, when the scope of the Society was enlarged as indicated in the following phrase:

The object of this Society is to collect and publish material bearing upon the history of America, and to promote the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent.

This latter modification has resulted as anticipated in a few papers from time to time relating to general Jewish history, the main volume of our *Publications* still being in accordance with the original plan.

The method of work of this Society does not differ very much from that of other similar societies. It consists in associating persons of like taste for a given branch of knowledge together; the making of collections of material on a given subject of common interest; the holding of meetings for the reading and discussion of papers and the publication of such papers as are found worthy and within the means of the Society. There is nothing sensational in this program, nor is there meant to be. Amidst our various activities, the Jews of the United States had never up to the formation of this Society, to my knowledge, established a society solely for the prosecution of scientific or historical studies and even to this day as far as I

know, no such organization based upon an historical and scientific foundation, and upon that alone, has as yet been formed.

The twenty-fifth anniversary of an organization necessarily participated in by many who were its founders, does not permit the indulgence of celebration lest it bear the appearance of self-praise. It is only when we have passed away that people are permitted to praise us, nor, would I claim, even if I were disposed to praise, any striking achievement for the Society. The gathering together of ancient records and their publication in more, sometimes less, attractive form is not likely of itself to arrest the attention of any considerable number of persons in a period of the world's history like the present. Still one does get a certain impression in mass. The Society, faithful to its program of publishing on the average at least one volume per annum, has recently issued its twenty-fifth volume and it is rather to the results of these *Publications* that we must turn for a warranty for our existence and to the justification for inviting continued and increased support. Anyone who will examine the classified *Index* to the first twenty volumes will see that every phase of early Jewish life in America has been touched upon; that many errors of statement in earlier publications have been corrected and that much new material has been made available.

It would be impossible within the limits of any time permitted by a program such as this to give even an outline of the results of the labors of many students published in the volumes issued by this Society and indeed it is no longer necessary since several publications have been issued or are in process of printing which do furnish a résumé of these results.

In general we know now that Jews have had something to do with the discovery of the American continent as geographers and cartographers, as aiding financially in the first expedition and by participating in it. That the settlements in considerable numbers took place first in Brazil, there being at least five thousand Jews in that country in the year 1648; that they

existed in the Dutch settlements of South America and the West Indies, in Mexico certainly as early as 1536, in the Philippine Islands as early as 1601 and in North America, in New Amsterdam, as early as 1650. By the middle of the seventeenth century, Jews were established in all of the islands of the West Indies whether under English, Dutch, French or Danish control. In North America, the Jewish settlements followed along certain well-defined lines of migration which differed very little, if at all, from the causes which brought about the settlement of white men in North America: religious persecution, a desire to worship God according to the dictates of their own conscience, the craving after political liberty, in general the opportunities which the free air of the New World gave were the impelling causes of Jewish migrations as they were of general migrations.

The particular sources of Jewish migration differed from that general stream which settled in this country owing to conditions which especially affected the Jews. The expulsion of the Jews from Spain and Portugal and the relentless persecution of those who remained and endeavored to conceal their religion was responsible for the first migration. The relations of Holland to South America, the West Indies and North America brought about the next wave. The restrictions placed upon the Jews of Germany and Austria explain the first migration of German Jews to the American continent, which took place much earlier than has been usually supposed—Jews from these two countries appearing in Mexico at the beginning of the seventeenth century and in various of the North American colonies in colonial times. This was followed by migrations from England in smaller numbers, probably due to commercial reasons and from Poland as early as 1772 when the first partition of Poland took place. These, roughly, are the historical and economic conditions which account for the Jews settled in America in colonial and revolutionary times. Most of the original thirteen colonies had considerable Jewish settlements

prior to the act of independence. Most notable, however, were those in New York, Rhode Island, Pennsylvania, South Carolina, and Georgia, with smaller numbers in Virginia, Maryland and Massachusetts. While it is true that the Jewish settlers were few in number in the early days, it must be remembered that all the colonies were sparsely settled.

Our researches have shown that not all of the history of the Jews on this continent has been a happy one. This was notably so in Mexico and in the various South American countries where the dread hand of the Inquisition was heavily laid upon our people, resulting in many hundreds of martyrdoms in these states before, by their own establishment of independence, they removed themselves from the power of the Inquisition. The most notable of the contributions to this subject were rendered possible through the interest in this Society which was shown by the late distinguished historian of the Inquisition, Henry C. Lea, from whose MSS. much of the information published was derived.

Those who write the history of what is called the emancipation of the Jews in Europe, which means their admission to citizenship in the states in which they reside upon equal terms with persons of other creeds and origin, almost invariably fail to recognize the fact that the first successful blows for the equal rights of the Jews were struck upon the American continent. As far as I know the first Jew to establish his rights as a British subject was a certain Rabba Couty who, in 1672 in an appeal taken to the King's Privy Council in England from a decree passed upon him by the courts of Jamaica, established his full rights as a British subject. And it was likewise through the contention of various Jews in the British West Indies and North American colonies that Parliament in 1740 passed a general act permitting Jews to be naturalized in the colonies, though of course individual Jews had been naturalized by special acts of colonial assemblies before that time.

Our researches and especially those of our fellow member, Hon. Simon Wolf, have shown that in all the wars of the United States even including the colonial wars we find records of Jews serving. In the Revolution there was a fair proportion of officers and men and this statement holds good of the War of 1812, the Mexican War, the War between the States and the Spanish-American War. Jews have also served in the regular army and navy from a very early period and have reached the rank of Brigadier-General, Commodore and Rear-Admiral.

Since it is only the historian who can play the rôle of the prophet, in the vulgar, not in the real, sense of that term, I unhesitatingly predict that in the present great conflict which we are entering upon, the Jewish citizens of the United States of whatever origin will manfully do their share in every branch of the service of the United States to which they may be called and where their capacities are most useful, from membership in the National Council of Defence to the carrying of a musket in the ranks.

We have records of Jews being in the diplomatic and consular service of the United States as far back as 1784 and MS. material indicating a much larger participation in the diplomatic service than has hitherto been suspected. It was through the *Publications* of our Society that the noble efforts made by the United States through the Department of State and its diplomatic officers to afford relief to Jews in countries where they were oppressed were first made accessible. I have in my own possession many thousands of pages of this diplomatic correspondence which I now think ought to be published in view of the miracle of Russian freedom which carries with it the equality before the law of the Jews of that country and forever ends the discrimination which the Russian government has practiced since the establishment of the house of Romanoff and before. We have recently published a volume upon the Balkan States which should aid in the removal of the disabilities of

the Jews of Roumania and thus render the Jews free men the world over.

Notable contributions, too, have been made showing the really great part played by Jewish traders like the Gratzes, Joseph Simon and others in opening up the great West; of their distinguished ability in commerce and trade with all parts of the world which is evidenced by the correspondence of Aaron Lopez of Newport and of their contributions to the arts and sciences and last, and probably most important, of their own development in the establishment of religious, educational and learned institutions.

Many of the facts showing these different activities are available in our *Publications.* Many also are collected in our modest library and museum housed, or in fact I ought to say stored, in a single room in the building of the Jewish Theological Seminary of America in New York, only awaiting a propitious time when I feel sure that some man or group of men out of their love of learning and because of the practical advantage involved, will see to it that the American Jewish Historical Society shall have a proper home in which its work can be done, its library maintained and its collections exhibited. We had meant to use the present twenty-fifth anniversary for an exhibition and for an appeal for the purposes I have indicated but feeling that this was a time when history was being made rather than recorded we have withheld both the exhibition and the appeal.

The ways in which the study of Jewish history has been developed through our Society—yet not directly by it—are, at least, as important as the work of the Society itself. The very numerous articles, historical, statistical and biographical, in "The Jewish Encyclopedia," would have been quite impossible but for the existence of the Society. The material employed for addresses and articles in 1905 upon the occasion of the very notable celebrations held in New York and throughout the country to record the two hundred and fiftieth anniversary of

the settlement of the Jews in North America, were again based upon the studies of our members. The remarkable collection of events concerning the Jews in America and throughout the world which has been appearing for the last seventeen years in the series of the *American Jewish Year Book* and which constitute the most valuable current chronicle of the Jews anywhere available is due to the direct suggestion of members of this Society, and the popular lectures and the Pilgrim Fathers' Days, and the historical pageants which come up from time to time can be traced, not indirectly, but directly, to the work of this Society.

Everything so far has been rosy so I must utter one note of complaint. It is true that this Society has not employed the methods which many societies have adopted of canvassing for members and support and, to quote a Hindu proverb, "those who beg in silence, starve in silence." We have to a certain extent starved. The public has given scant recognition to our efforts. We have received some notable gifts for our collections, the most important being the very considerable collection of the late Rev. J. J. Lyons, the donation being coupled with the condition of publication which required a special appeal and at that time a number of generous members of the Society created a publication fund of five thousand dollars for the purpose of publishing the most important papers of the Lyons Collection and rendering possible our *Index* volume.

Many persons and organizations that have freely and almost solely drawn upon our Society for information have given scant recognition, very often no recognition at all.

Let me express the hope here and on this our twenty-fifth anniversary that our achievements will have justified a larger recognition on the part of the Jewish public in America who will by this time have arrived at the conclusion that we are not simply a collection of fossils desirous of having ourselves and other like but older fossils preserved in a museum, but that these comparatively dry and maybe somewhat uninteresting

papers in the aggregate are not only interesting but have very profound importance for the Jews of America both for a popular understanding on their part of themselves and for a proper presentation of their record to the world at large. Among the many great things which President Wilson has been saying of recent years none struck me as more profound than his remark in one of his addresses to Congress that he who would draw a true line must have three points, one in the past, one in the present and one in the future. No body of people can ever have a secure future or a self-respecting present who do not understand and reverence their own past!

AIMS AND TASKS OF JEWISH HISTORIOGRAPHY.

By Alexander Marx, Ph. D.

It is nearly a century since Leopold Zunz in his famous essay, *Etwas über die rabbinische Literatur*,[1] which inaugurated his great scholarly career, drew in bold outlines the plan for the structure of the science of Judaism, a plan which was yet unrealized when reprinted about sixty years later[2] and which to a large extent is still unrealized. The publication of his essay in 1818 may be said to mark the beginning of the modern science of Judaism. It is interesting that in drawing up this plan Zunz left out Jewish history altogether; to this subject he intended to devote himself later, but meanwhile was anticipated by Isaac Marcus Jost, who in 1820 began the publication of his great history, the appearance of which made Zunz turn to other tasks. The fact that we are gathered to-day at the twenty-fifth annual meeting of our Society suggested to me the idea of outlining in a general way the task confronting the Jewish historian, summing up at the same time as briefly as I can the principal achievements of the last century.

Jost's *Geschichte der Israeliten*[3] in nine volumes is the first real treatment of the subject; for the work of his predecessor, Basnage, can in no way be compared with it. It is the conscientious work of a careful and industrious scholar who

[1] Berlin, 1818. The bibliographical notes are added here merely to serve as illustrations, and claim in no way to be complete. This explains the fact that the names of many prominent historians such as Isidore Loeb and Meier Kayserling nowhere appear in the following pages.

[2] Zunz, *Gesammelte Schriften*, Berlin, 1875, vol. i, pp. 1-31.

[3] Berlin, 1820-29.

aimed at absolute objectivity and tried to master all the accessible material. His work is naturally antiquated now and can only here and there be consulted by the specialist with profit. In his later, shorter histories,[4] Jost himself often corrected his earlier views. The rich material collected in the three parts of the tenth volume of his larger history which he published almost thirty years after the completion of the ninth volume [5] still retains its value as a contemporary source for the modern historian.

The article *Juden* in Ersch and Gruber's *Encyklopaedie* [6] by Selig Cassel, which covers over 230 closely printed quarto pages marks the next great advance. Here for the first and only time political history is treated independently of literary history, and many new sources are consulted to complete the picture of the condition of the Jews in the various countries. The work is of lasting value and is perhaps the best of the productions of this fertile writer. It shows less of that ingenuity which found expression in the numberless wild hypotheses scattered in the works of this author, especially those of his later years when Saul had become Paul. His enormously wide reading which often makes the perusal of his works wearisome served him in good stead in this instance.

All of these predecessors were thrown into the shade by the great historian of Jewry, Hirsch Graetz.[7] While Jost was characterized by objectivity, Graetz is subjective through and through. His passionate partisanship in passing judgment on

[4] *Allgemeine Geschichte des israelitischen Volkes*, Berlin, 1832, 2 vols.; *Geschichte des Judenthums und seiner Secten*, Leipzig, 1857-59, 3 vols.

[5] *Neuere Geschichte der Israeliten*, Berlin, 1846-47.

[6] Leipzig, 1850, Section II, vol. xxvii, pp. 1-238.

[7] *Geschichte der Juden*, Berlin and Leipzig, 1853-76, 11 vols. Graetz published a second edition of vols. iii-x, a third of iii, v-vi, viii-ix, and a fourth of iii. Since his death ii, part 1, and xi appeared in a second, iv-v in a fourth and vii in a third edition.

the central figures of the past, his strong Jewish feeling which makes no concessions to the non-Jewish reader, whereas in the case of Jost a certain apologetic tendency is clearly noticeable, and the vividness of his style makes his history exceedingly interesting reading, while his wide learning and originality render his work indispensable to the scholar. It is an achievement which will not so easily be displaced by another, even though based on fuller sources, for it reflects so much of the rich personality of the gifted author, and presents so many brilliant hypotheses that every successor will have to take it into consideration.

But such a strong subjective note is bound to have its serious drawbacks. The author has his pronounced prejudices to which he gives unrestricted vent. He has *e. g.,* no sympathy with and no understanding for mysticism, and the mere fact that any writer is mystically inclined is in his eyes a sufficient warrant for condemning him. He equally dislikes Polish Judaism, and Polish Jews, as a rule, find no favor in his eyes, whatever be their merits. His treatment of their history is perhaps the most unsatisfactory part of the whole work, although, to be perfectly fair, we must not forget that he had less preliminary work to draw upon for this period than for most of the others. But it seems that he did not care to devote too much research to this branch of Jewry. Graetz's book not only means an advance in the careful study of new sources and the fresh and independent examination of the old ones, it also offers most thorough and methodical discussions of mooted points which, taken by themselves, are masterpieces of historical criticism. It is very much to be regretted that the notes and excursusses which constitute one-fifth of the book and give it its scientific background are entirely omitted in the English translation of this standard work. Graetz corrected his book in the later editions in many details, but he did not incorporate all the additions and corrections resulting from later investiga-

tions, not even some of those published by his own pupils, among others, in the *Monatsschrift* of which he was the editor.

In the volumes of the work which have appeared in new editions since the author's death as well as in the Hebrew and Russian translations an effort has been made to bring the work up to date by adding in the footnotes references to later investigations. As to the parts dealing with the history of the Jews in Eastern Europe, the Hebrew translator, Saul Pinchas Rabinovitz, found himself compelled to enlarge and rewrite those chapters.

Thus we see that it is not easy to keep this standard book of Jewish history abreast of modern research into the history of the Jews in various parts of the world. Still, it is not at all likely that another comprehensive history will be written in the near future and it is therefore highly desirable that as far as possible, Graetz's work be kept up to date. Future editors would do well to follow the example of Bury in his famous edition of Gibbon. By supplying additional notes they would give us at least one source of information to draw upon on subjects or periods in which we are not specialists. These notes also ought to draw attention to the not infrequent cases in which the author records as an assured historical fact what is only a subjective hypothesis, since the sources quoted hardly warrant his conclusions.

The political history of the Jews after the loss of their national independence became, as the Middle Ages proceeded, more and more a history of persecutions. This is a painful and dreary subject, proud though we may be of the steadfastness displayed by our forefathers in all their sufferings to which, as Judah Halevi put it,[3] they could so easily have made an end by pronouncing a short formula of conversion. To relieve the monotonous description of their agonies we, therefore, have become accustomed to turn to their spiritual activity;

[3] Kusari iv, 23.

and thus literary history has come to take up perhaps undue space in our histories.

Now, though we cannot well imagine a Jewish history in which the greatest men Judaism has produced would be passed over without mention, still their literary merits will have to be assigned much less space in a general history of the Jews, just as the great men who formerly constituted the main subject of historiography have to a large extent yielded their places to the common people from whose ranks they had risen and whose life has now become the object of our investigations. Literary history will have to be superseded by constitutional, social and economic history. The description of the ordinary life of the people, their legal status and their economic activities will not only relieve the dreary picture of the periodically recurring persecutions, but also help to explain the causes of these persecutions and contribute towards a better understanding of the course of events. Wilhelm Roscher[9] in his famous article on the position of the Jews in the Middle Ages from the point of view of economic development ascribes the unhappy condition of the Jews in the later Middle Ages to the jealousy of the commercial classes in the cities. The latter wanted to free themselves from the tutelage of the Jews who up to that time had had the monopoly of trade in their hands. Georg Caro, on the other hand, maintains that the Church-law is mainly responsible for their degradation and that they were drawn into the whirlpool of the continuous

[9] *Die Stellung der Juden im Mittelalter, betrachtet vom Standpunkt der allgemeinen Handelspolitik* in *Zeitschrift für die gesammte Staatswissenschaft*, Tübingen, 1875, vol. xxxi, pp. 503-26 (reprinted in *Ansichten der Volkswirtschaft*, 3d edition, Leipzig, 1878, vol. ii, pp. 321-54). Roscher's view has been enlarged upon in Hoeniger's able paper *Zur Geschichte der Juden Deutschlands im frühen Mittelalter*, in *Zeitschrift für Geschichte der Juden in Deutschland*, Braunschweig, 1887, vol. i, pp. 65-97, see especially p. 78 *et seq.*

struggle between the municipalities and the smaller nobility. In this struggle their financial support in the form of loans strengthened the nobility with the result that the Jews going counter to the trend of the time incurred the merciless hatred of the guilds, which were striving to obtain control of the cities and predominance over the nobility.[10] Whichever theory we accept, one thing is evident: Entirely new emphasis has to be laid on the economic question in connection with the general history of the Jews in order to reach a clearer understanding of the social and economic development of the Jews in mediaeval Europe.

I need not say that these remarks are not meant to belittle the importance of the history of Jewish literature; on the contrary, without it an understanding of the development not only of Judaism but of the cultural conditions of the Jews in general is utterly impossible. Furthermore the spiritual activity of our forefathers is certainly in many respects more deserving of admiration than their financial transactions. But literary history ought to be studied by itself, not as a mere section of the general history of the Jews. Its less important phenomena have no proper place in it and only the great lines of development ought to form part of it.

But before we shall be able to substitute these economic and social facts for literary history, we first must do the preliminary work that will enable us to write a history along these new lines. This work, however, is still in its initial stages.

[10] *Die Juden des Mittelalters in ihrer wirtschaftlichen Betätigung*, in *Monatsschrift für die Geschichte und Wissenschaft des Judentums*, Breslau, 1904, vol. xlviii, pp. 423-39, 576-603, see especially p. 588 ff.; 599 ff.; see also Julius Guttmann, *Die wirtschaftliche und sociale Bedeutung der Juden im Mittelalter* in *ibid.*, vol. li, pp. 257-90 (1907); Ignatz Schipper, *Anfänge des Kapitalismus bei den abendländischen Juden im früheren Mittelalter*, Wien, 1907, reprinted from *Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung*, vol. xv (1906).

Researches in detailed phases of the history of the Jews did not stop with Graetz's monumental work. When the structure had been erected students naturally turned to the interior decoration, *i. e.*, the investigation of the minutiæ of the historical and literary development in various countries, provinces and cities, etc. Through these studies the knowledge of the social and economic as well as of the legal status of the Jews in various parts naturally made considerable progress. Some more comprehensive studies like Guedemann's history of education and culture in several countries,[11] to mention only one example, contributed towards broadening the scope of Jewish history, but there still remains an immense amount of labor to be done in this field and, moreover, to be done systematically in order to enable us to take up once more Jewish history as a whole.

When these special investigations will have reached a certain degree of completeness, a new comprehensive history of the Jews may be written at some future day such as will be worthy of its great subject. But unlike its predecessors this history, in all likelihood, will be the result of the coöperation of a group of scholars, who will have specialized in the history of various countries and periods and will be in a position to illuminate the course of Jewish history in its relation to the general conditions of the particular time and place. Only thus can we gain the true perspective, which will enable us to

[11] *Das jüdische Unterrichtswesen während der spanisch-arabischen Periode*, Wien, 1873; *Geschichte des Erziehungswesens und der Cultur der abendländischen Juden während des Mittelalters und der neueren Zeit*, Wien, 1880-88, 3 vols., dealing with Germany and Italy. For the former Guedemann had a predecessor in A. Berliner, *Aus dem inneren Leben der deutschen Juden im Mittelalter*, Berlin, 1871 (second enlarged edition, *ibid.*, 1900), one of the most suggestive writings of the author. See also, Israel Abrahams, "Jewish Life in the Middle Ages," Philadelphia, 1896.

interpret correctly the facts and events of the Jewish past. For Jewish history offers on a smaller scale the same difficulties which to-day make it virtually impossible for one individual historian to undertake the writing of a universal history. The Jews have lived in every country, and the indispensable knowledge of the conditions and the history of all these countries cannot be expected from any historian in our time of specialization, the more so as in the case of some countries our knowledge of their general history is not quite adequate. The future Jewish history, then, will have to make connections with general history and the great advance made in the methods applied to historiography in general will benefit it in the fullest measure. But a very great deal will have to be done before we can seriously take up this task of raising the study of Jewish history to the height attained in other fields of historical research and making it an organic part of the history of the world.

The basis of all historical investigation is free access to all the sources. To attain this end large collections of historical records for all the countries of the world are necessary and many such collections have actually been published or are in the course of preparation. This task cannot be undertaken by individuals if the necessary completeness and uniformity are to be attained, and for this reason all such series of publications have been brought out under the supervision of academies of the respective countries, which direct the work and provide the necessary funds for traveling, photographs, copies, assistants, etc. I need only refer to the missions entrusted to Adolf Neubauer [12] for the preparation of the two half-volumes

[12] See his reports on his missions to Spain, Southern France, Italy, Eastern France, Switzerland and Germany in *Archives des missions scientifiques*, 1869, pp. 423-35; 1873, pp. 551-75. For another case of support of Jewish studies by the French government see note 32, *infra*.

of the literary history of France devoted to Jewish writers,[13] which led him through the libraries of England, Spain, Switzerland, Italy, Germany, Austria and Russia. We, unfortunately, lack an organization that could take the place of an academy and could by means of financial grants and wise guidance help to place the science of Judaism gradually on an equal plane with the progress of other studies in modern times. Only such an academy could inaugurate important serial publications necessary in various branches of Jewish scholarship which must be based on an exhaustive use of the available material and on uniform modern principles without curbing the individuality of the collaborators. Only in such a way could we hope, in the special subject under discussion, to get truly satisfactory collections of sources. An academic body, such as I have in mind has, unfortunately, but little chance of coming into being at the present time. I venture to suggest, therefore, a project for the speedy realization of which there is unfortunately very little hope, and what may actually be done must needs fall far short of the goal to be attained.

The sources of Jewish history are of widely different character. What occupies the largest place in similar collections of other peoples, chronicles and historical accounts, is not very largely represented in the literature of the "people of the Book."[14] Somehow, the historical sense was not very strongly developed in mediaeval Jewry. But those chronicles which have come down to us ought to be made accessible in uniform critical editions[15] with full scientific apparatus. Similarly a

[13] Renan [-Neubauer], *Les Rabbins français du commencement du quatorzième siècle*, Paris, 1877; *Les Ecrivains juifs français du XIV^e^ siècle*, Paris, 1893; reprinted from vols. xxvii and xxxi of the *Histoire littéraire*.

[14] See Steinschneider, *Geschichtsliteratur der Juden, I, Bibliographie der Hebraeischen Schriften*, Frankfurt a. M., 1905.

[15] Neubauer, "Mediaeval Jewish Chronicles," Oxford, 1887-95, 2 vols., is not intended to present a complete collection nor are all the texts edited in a satisfactory manner.

full collection of elegies and other religious poems containing historical references ought to be brought together in chronological order. The old minute-books of important communities are another rich and valuable source which has nowhere, perhaps, been fully utilized. If we think, *e. g.*, of the important extracts from the *Pinkasim* (minutes) of the Cracow and Posen communities published in various places [16] and the light they throw on the Council of the Four Lands, that central body which for nearly two centuries directed all the affairs of Polish and Lithuanian Jewry, we at once realize how important it would be to have a complete edition of all these materials as far as they have been preserved. But even the few remnants of the official minute-book of that Council itself which were discovered by Dubnow [17] have remained unpublished up to the present day.

Systematic examination of another class of sources, deeds and documents, enables us to gain an insight into the commercial activities of the Jews and gives an entirely new aspect to their economic history. The history of English Jewry of the preëxpulsion period has had to be entirely rewritten since we have become more intimately acquainted with the masses

[16] Wettstein gave extracts from the Cracow minute books in *Ozar ha-Sifrut*, 1892, vol. iv, pp. 577-642; *Ha-Eschkol*, 1898, vol. i, pp. 161-76; 1899, vol. ii, pp. 161-76; *Luach Schaaschuim*, 1902, pp. 193-214; *Meassef*, Petersburg, 1902, pp. 7-78; *Kaufmann Gedenkbuch*, Breslau, 1901, Hebrew part, pp. 69-84. From the Posen *Pinkas* Perles published important extracts in *Monatsschrift*, 1867, pp. 108-11, 152-4, 222-6, 304-8, 343-8; and Louis Lewin in *Jahrbuch der Jüdisch-Literarischen Gesellschaft*, Frankfurt a. M., 1904, vol. ii, pp. 1-26; 1905, vol. iii, pp. 79-130.

[17] See Dubnow in the Sokolow Jubilee Volume, Warsaw, 1904, p. 250, note; "The Jewish Encyclopedia," vol. iv, pp. 307-8, with facsimile of a page. Dubnow is also publishing the Minute Book of the Lithuanian Council for the years 1623-1761 as an appendix to his periodical *Yevreiskaya Starina*, 1909 *et seq.*

of information buried in the Exchequer [18] which even now are by no means fully accessible. Again the private correspondence of Jews which has come down to us is frequently of very great interest for the study of conditions and adds much to our knowledge of times and persons. We are but rarely in the fortunate position of possessing collections of letters from any particular circle which taken together give us more than a casual glimpse into the life of a group of people, such as the Judaeo-German Gratz letters described at our last meeting which surely deserve publication.[19] How much new material of a purely historical character we may gain from private letters which a kind fate has saved from destruction can best be seen from some of those which were published from the inexhaustible treasures of the Geniza, recovered through our revered master, Solomon Schechter.[20] It is very much to be regretted

[18] See Charles Gross, "The Exchequer of the Jews of England in the Middle Ages," in *Papers read at the Anglo-Jewish Historical Exhibition*, London, 1888, pp. 170-230; Joseph Jacobs, "The Jews of Angevin England," New York, 1893; J. M. Rigg, "Select Pleas, Starrs and Other Records from the Rolls of the Exchequer of the Jews, 1220-1284," London, 1902; "Calendar of the Plea Rolls of the Exchequer of the Jews," i, Henry III, 1218-72, 1905; ii, Edward I, 1273-75, 1910.

[19] See *Publications, supra*, No. 22, p. xxii; *ibid.*, No. 25, p. xiii; for an interesting older collection see also Alfred Landau and Bernhard Wachstein, *Jüdische Privatbriefe aus dem Jahre 1619*, Wien, 1911, a batch of over 50 letters by Jews of Prague to Co-religionists at Vienna which were intercepted by the authorities at the time and deposited in the Vienna archives, where they were recently discovered.

[20] Thus Schechter's discovery of the letter of Hushiel, *The Jewish Quarterly Review*, vol. xi, pp. 643-50, disposed of the legend of the dissemination of Jewish learning in Northern Africa by emissaries of the Babylonian academies and showed, on the other hand, the influence of Italy and, indirectly, of Palestine on these schools. The letter published by Cowley, *ibid.*, vol. xviii, pp. 400-403, to quote another notable example, threw a great deal of light on the relations of Spain to Babylonia.

that no one has seriously thought of undertaking a comprehensive publication of the letters and documents found in the Geniza which would again bring together these *disjecta membra* which, after having rested in the dust for so many centuries, are now dispersed through so many libraries and can only be made to yield their rich information in full when they are again placed together in systematic order. Even though many of them are incomplete and full of puzzles, since we find allusions frequently to facts entirely unknown to us, a complete *corpus* of these texts will immensely increase our knowledge of conditions during the period of transition when the center of Judaism gradually shifted from East to West. We will, then, perhaps be granted a deeper insight into the private life of the people during this epoch for which we formerly had no sources whatever than we possess now even for periods opened up more fully by historical research. Moreover, this work does not devolve on the Jewry of any particular land, as is the case with the examination of archives which of course will have to be carried on by scholars of the respective countries—just as we do not expect others to publish for us the records found on this side of the Atlantic. These Geniza MSS., however, were—fortunately—carried away from the places the past of which they reveal to us and we cannot depend on Egyptian Jewry, not to speak of communities long ago destroyed like that of Kairovan, to take up this task.

For a similar reason outsiders will have to help and are actually helping [21] in the investigation of the archives of Spain.

[21] See Joseph Jacobs, "An Inquiry into the Sources of the History of the Jews in Spain," London, 1894; and especially Jean Régné, *Catalogue des actes de Jaime I, Pedro III, et Alfonso III, rois d'Aragon, concernant les Juifs (1213-91)*, Paris, 1911-14, reprinted from the *Revue des Etudes Juives*, 1910-14; the third part dealing with the reign of Alfonso was interrupted through the suspension of the *Revue* during the war; so far 1845 entries have been published reaching up to the end of 1287 and giving us some

That country, from which the Jews were expelled over four centuries ago, possesses enormous stores of documents dealing with the Jews, consisting not only of records of the Inquisition relating to the Marannos which after all are of only secondary importance to us, but also about the earlier period. A very great deal has been done in Spain in recent years by non-Jewish scholars like Bofarull [22] and Miret[23] and above all the president of the Madrid Royal Academy of History, Fidel Fita,[24] whom we have the distinction to count among the honorary members

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idea of the wealth of information to be gleaned from the Aragonian archives. In 1893 Heinrich Finke, in *Römische Quartalsschrift*, pp. 229 *et seq.*, wrote: "Die Registerbände der aragonesischen Könige in Barcelona beginnen mit dem Jahre 1237 und enhalten bis in den Beginn der Neuzeit hinein über 6000 Bände mit über eine Million Urkunden . . . . sie sind eine geradezu unergründliche Fundgrube für die Geschichte der spanischen Juden."

[22] Francisco de Bofarull y Sans, *Los Judios en el territorio de Barcelona (siglo X al XIII). Reinado de Jaime I, 1213-76*, Barcelona, 1911, based on a large collection of documents brought together by his father, who preceded him as archivist of the Crown of Aragon. A few similar articles have appeared in the publications of the Barcelona Academy of Belles-Lettres.

[23] Joaquin Miret y Sans et Moïse Schwab, *Documents sur les Juifs Catalans au XI^e^, XII^e^ et XIII^e^ siècles* in *Revue des Études Juives*, 1914, vol. lxviii, pp. 49-83, 174-98. *Nouveaux documents sur les Juifs Barcelonais au XII^e^ siècle* and *Documents de Juifs Barcelonais au XI^e^ siècle*, Madrid, 1916, both reprinted from the *Boletin de la Real Academia de la Historia;* some other texts he printed in Spanish publications.

[24] Mostly in the *Boletin* of the Madrid Academy and reprinted in the eight volumes of his *Estudios Historicos*, Madrid, 1882-7 and *La España Hebrea, ibid.*, 1890-98, 2 vols. For the sake of completeness the earlier important contributions of José Amador de los Rios and Francisco Fernandez y Gonzalez must be noted. In this connection the contributions of Mendes dos Remedios for the history of the Portuguese Jews have to be mentioned: *Os Judeus em Portugal*, Coimbra, 1895; his reprint of Usque's extremely rare *Consolaçam à tribulaçoens de Israel, ibid.*, 1906, etc.

of our Society and whose work in this field merits the highest praise. The appointment of Dr. Abraham S. Yahuda as Professor at the University of Madrid, will greatly contribute to further these studies and will make it easier for foreign scholars to get the information they may need. The important publications of Spanish historians are scattered over a great many periodicals which are devoted to various local historical researches, and are not always accessible abroad, and unless they happen to be excerpted in the *Revue des Études Juives* they remain unknown to the majority of Jewish scholars. The same remark applies to some extent to Italy where lately the interest of the people in the history of their past seems to have greatly increased. Umberto Cassuto's valuable bibliography of Jewish studies in Italy for the last fifty years[25] records a very large number of historical monographs printed in all kinds of inaccessible and obscure local periodicals, many of which became first known to us through his list. This, by the way, is a good example of the urgent need for a comprehensive bibliography of all publications, books and articles, dealing with Jewish historical subjects.[26]

Closely related to these documents to be gleaned from the archives are the references that may be gathered by a systematic examination from the legalistic Hebrew literature of the various

[25] Umberto Cassuto, *Gli studi Giudaici in Italia negli ultimi cinquant anni (1861-1911), I Bibliografia*, Rome, 1913, reprinted from the *Rivista degli Studi Orientali*, vol. v. Much valuable material is found in the ten volumes of the *Rivista Israelitica* of Florence.

[26] It is very much to be regretted that the second volume of Steinschneider's *Geschichtsliteratur* (see note 14, *supra*) has not been published; even if not quite complete it would offer invaluable help to the student. [Freidus], "List of works relating to the history and condition of the Jews in various countries," New York 1914, limited though it is in its scope as a catalogue of the respective divisions of the New York Public Library, is a very useful beginning.

countries, especially the *Responsa*. That these occasionally yield new facts of a purely historical character was pointed out long ago.[27] How much we can learn from them for the economic history was shown a few years ago in a thorough treatise on the money transactions of the German Jews prior to 1350,[28] and it is greatly to be regretted that the otherwise excellent recent economic history of the Jews by Caro [29] did not draw upon these rich sources of undoubted authenticity.

Tumular inscriptions [30] and similar monuments cannot become so important a source for Jewish history as they are for many other branches of general history, since a very large number of them was destroyed during the persecutions and very often the stones were used as building material.[31] Still those

[27] M. Wiener, *Ueber den Gewinn, den die Geschichtswissenschaft aus dem Studium des religionsgesetzlichen (halachischen) Teils der neuhebräischen Literatur des Mittelalters zu erwarten hat*, in *Zeitschrift der Deutsch-Morgenländischen Gesellschaft*, vol. xix, pp. 507-21; Isaak Unna in Wohlgemuth's *Jeschurun*, Berlin, 1914, vol. i, pp. 397-402, 426-34; see also Neuman in *Publications, supra*, No. 22, pp. 61-70; I. Elfenbein, in *Students' Annual*, New York, 1915, vol. ii, pp. 102-21.

[28] M. Hoffmann, *Der Geldhandel der deutschen Juden während des Mittelalters bis zum Jahre 1350*, Leipzig, 1910.

[29] *Social- und Wirtschaftsgeschichte der Juden im Mittelalter und der Neuzeit*, Leipzig, 1908, vol. i.

[30] See the bibliography of Steinschneider in *Jewish Quarterly Review*, vol. xvi, pp. 373-80, vol. xvii, pp. 564-70, which might be considerably enlarged.

[31] In April, 1345, the citizens of Liegnitz, and in September of the same year those of Breslau received permission to utilize the tombstones of the Jewish cemeteries as building materials (M. Brann, *Geschichte der Juden in Schlesien*, pp. 47-48); in 1438, after the expulsion of the Jews from Mayence the same happened there (Salfeld, *Zeitschrift für Hebräische Bibliographie*, vol. vi, p. 17). For many more examples see Zunz, *Zur Geschichte und Literatur*, Berlin, 1845, pp. 395-401. Of the *circa* 100 tombstones used for the fortifications of Erfurt in 1845, of which Zunz speaks, p. iv, some came to light again in 1881; see Kroner, *Die Erfurter hebräischen*

which have come down to us frequently prove of great assistance in fixing dates, etc. But only those of France and Spain were collected and that by the indefatigable Moïse Schwab [32] with the support of the French government.

Besides these distinctly Jewish sources references to Jews in mediaeval chronicles and other works are a most important and indispensable source of information. They have to be collected and discussed with a critical estimate of the trustworthiness of the respective authors. If carried through, *e. g.*, with respect to the Church fathers, Byzantine and Arabic authors, such an undertaking will furnish fresh material of the utmost value.

The laws enacted concerning—mostly, against—the Jews should likewise be gathered and carefully examined in the light of the general legislation of the particular country and period in order to get a true estimate of their significance. In this connection a comparative study must be made of the legislation of the various countries and constant attention must be paid to the Church legislation. The frequent differences between the policies of the Popes which find expression in their *bullae* and *brevia* on the one hand and the enactments of the Church Councils on the other must be carefully considered.[33] Up till now only a small beginning has been made in the collection of

Grabschriften, in Monatsschrift, vol. xxxiii (1884), p. 351. In May, 1914, thirty-three inscriptions were found in Rothenburg a. d. Tauber; see *Allgemeine Zeitung des Judentums*, January 14, 1916, pp. 19-20.

[32] *Rapport sur les Inscriptions Hebraïques de la France*, Paris, 1904; *Rapport sur les Inscriptions Hebraïques de l'Espagne, ibid.*, 1907, both reprinted from the *Nouvelles Archives des Missions Scientifiques*, vols. xii, xiv.

[33] L. Erler's treatment of the subject in *Archiv für Katholisches Kirchenrecht*, vols. xlviii, l-lii, is outspokenly anti-Semitic in its tendency. A careful monograph on a special period is Max Simonsohn, *Die kirchliche Judengesetzgebung im Zeitalter der Reformationskonzilien von Konstanz und Basel*, Breslau, 1912.

Papal documents [34] concerning the Jews and very little has been done in investigating the details of Church legislation. The Roman law which was one of the basic elements of all later legislation relating to the Jews has been dealt with exhaustively in Juster's book [35] on the conditions of the Jews under the Roman empire in their legal, economic and social aspects, one of the most important contributions in our field in recent years. The principles underlying the mediaeval legislation concerning the Jews were briefly discussed in the introduction to Scherer's monumental work [36] on the legal status of the Jews in the Austrian states, which has remained incomplete owing to the author's death. For the study of the legal status of the German Jews in the Middle Ages Stobbe's classic book [37] marked a great advance, as its author started out from the history of mediaeval German constitutional law and was attracted to our subject by the rich sources he met in his studies. But the material that has come to light since, makes a new comprehensive treatment of the subject most desirable.

The need of systematic collections of the sources of Jewish history naturally has been felt by many and at various times Jewish societies have made efforts in this direction, but in every case they stopped before accomplishing the task they had

[34] Moritz Stern, *Urkundliche Beiträge zur Stellung der Päpste zu den Juden*, Kiel, 1893, vol. i; *ibid.*, 1895, vol. ii, 1. *Päpstliche Bullen gegen die Blutbeschuldigung*, Berlin, 1893. Konrad Eubel, *Zu dem Verhalten der Päpste zu den Juden*, in *Römische Quartalsschrift*, Rome, 1899, vol. xiii, pp. 29-42 (*regesta* for the years 1379-1450).

[35] *Les Juifs dans l' empire Romain, leur condition juridique, économique et sociale*, Paris, 1914, 2 vols.

[36] *Beiträge zur Geschichte des Judenrechtes im Mittelalter, I, Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern. Mit einer Einleitung über die Principien der Judengesetzgebung in Europa während des Mittelalters*, Leipzig, 1901.

[37] *Die Juden in Deutschland während des Mittelalters in politischer, socialer und rechtlicher Beziehung*, Braunschweig, 1866.

set out for. The *Fontes rerum Judaicarum of the Société des Études Juives* did not extend beyond the first volume, Théodore Reinach's valuable collection of texts of Greek and Roman writers relating to Judaism, which appeared over twenty years ago.[38] The Latin and Greek inscriptions [39] and the legal texts which were to form the succeeding volumes never appeared. Important as are the contributions we owe to the Historical Commission for the History of German Jews, we are waiting in vain for the historical poems and the *responsa* material included in its plan and, what is worse, the *Regesten* [40] which are an indispensable help to the student have never been continued beyond the year 1273. For a Jewish geography, towards which the maps in "The Jewish Encyclopedia" are a useful contribution, we have Gross's *Gallia Judaica* [41] which, however, includes only places mentioned in Hebrew literature, omitting those places in which Jews are mentioned as living in Latin and French documents. A similar work on a more comprehensive scale dealing with Germany was announced as ready to appear at the outbreak of the war.

The "Plan for coöperative work in collecting material for encyclopaedic studies in Jewish history and literature" outlined by Prof. Gotthard Deutsch ten years ago [42] provides particularly for the gathering of sources for modern history and could easily be made to include full supplements to a

[38] *Textes d' auteurs grecs et romains relatifs au Judaisme*, Paris, 1895.

[39] See Seymour de Ricci, in "The Jewish Encyclopedia," vol. ix, pp. 471-5; Johann Oehler, *Epigraphische Beiträge zur Geschichte des Judentums*, in *Monatsschrift*, vol. liii (1909) pp. 292-302, 443-52, 525-38.

[40] Julius Aronius, *Regesten zur Geschichte der Juden im fränkischen und deutschen Reiche bis zum Jahre 1273*, Berlin, 1887-1902.

[41] Paris, 1897.

[42] "Yearbook, Central Conference of American Rabbis, 1906, vol. xvi, pp. 241-50; 1907, vol. xvii, pp. 259-70.

bibliography of Jewish history, should such a bibliography be compiled in the future.

Thus far I have emphasized those tasks which can be carried out in a fully satisfactory manner only by the coöperation of bodies of scholars: collection of chronicles, letters, deeds and documents, inscriptions as well as references in non-Jewish literature and in legislation; further a Jewish geography of the various countries incorporating all the information about the spread of Jewry and giving the dates of all Jewish settlements. On the basis of all this material *Regesta* ought to be arranged, after a critical examination of all the accounts so as to form the foundation for the exhaustive histories of the Jews in the different countries and for the future general history of the Jews. These ideal plans, as I said before, could only be carried out expeditiously under the supervision of an academy which we do not have and for the creation of which there is hardly any prospect. This work will, therefore, have to be undertaken gradually and on a much more modest scale. It will finally, I think, have to be executed somewhat along these lines and, therefore the formulation of these plans may perhaps not be entirely superfluous. I may add that a periodical devoted to Jewish history exclusively, which would make it its function to present a summary of all contributions in its field in whatever language they appear, would give a powerful impetus to historical studies. By this means the articles in Russian, Polish, Hungarian, Roumanian, Italian, Spanish, Portuguese, Dutch, etc., would become generally accessible.

This is, of course only one of the many tasks of the Jewish historian, although perhaps for the moment the most important one. But it is evident that all this work, after all, would only have a preliminary character and would certainly not attract larger circles to take an interest in Jewish history if carried on purely with an eye to producing such source collections. No one will find it desirable that in the study of Jewish history we should resign all creative activity for a long time in

order to enable a later generation to harvest the seed we are sowing. Furthermore, such collections if carried on mechanically can never be fully satisfactory. Even if we make up our minds that preparation of the material is our most urgent need, the investigation of historical problems will have to go on as before. If I may use a practical illustration: Since the question of calling a synod is coming up so frequently, a thorough treatise on the synods which convened in Talmudic and mediaeval times would be extremely timely and welcome, just as was the important paper of Max J. Kohler and Simon Wolf on the Jewish question before the Berlin Congress, which forms No. 24 of our *Publications.* We need monographs on numberless subjects before we can do justice to the larger tasks; and it is of the greatest importance that from time to time the history of a period or a country be written summing up the results reached after a certain amount of research on that subject. Although it may be incomplete and tentative, it is necessary in order to prevent us from losing sight of the large aspects and to prepare the proper setting for the details which we have to investigate so often and which are very apt to assume undue importance in our eyes, a danger to which the local historians so often succumb. The labors of Albert M. Friedenberg, our industrious and enthusiastic corresponding secretary, who is engaged in sifting the material accumulated in the twenty-five volumes of our *Publications* and on the basis of this material is preparing a history of the Jews of America, now appearing in serial parts in *The American Hebrew,* cannot be commended too highly.[43] It is to be hoped that we will get this history soon in book form with the indispensable references to the sources.

Owing to lack of time I may perhaps have given the impression that the progress of Jewish historiography since

[43] Beginning January 5, 1917, *et seq.*

Graetz has not in many respects been very great. This is far from my mind. I need only point to comprehensive books like Schürer's history [44] or the two works on the history of the Jews in Rome [45] to show how false such an impression would be and how vast an amount has been accomplished. The monographs on the history of cities and sometimes provinces of France, Germany, Poland and other countries are very numerous, and many of these contain much new material. Some important contributions to family histories have appeared, biographies of scholars and statesmen have been undertaken, in short all branches of history have found interested contributors. But most of the efforts are sporadic and we lack coherence in our work and as a rule encouragement is conspicuous by its absence; otherwise an important contribution like Stern's collection of the Papal documents could not have stopped after the issue of two parts. What we owe to private initiative is often very considerable; one only has to think, *e. g.*, of the collection of Sicilian documents by the brothers Lagumina,[46] of which three bulky volumes have appeared, or the sources for the history of Bohemia, Moravia and Silesia by Bondy and Dvorsky [47] and Joseph Jacobs' "Jews of Angevin

[44] *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, 4th edition, Leipzig, 1901-11, 3 vols. Graetz, in the later editions of volume iii, made use of the first edition of Schürer, which had appeared in 1874 in one volume.

[45] A. Berliner, *Geschichte der Juden in Rom von der ältesten Zeit bis zur Gegenwart*, Frankfurt, a. M., 1893, 2 vols.; H. Vogelstein and Paul Rieger, *Geschichte der Juden in Rom*, Berlin, 1895-6, 2 vols.

[46] *Codice diplomatico dei Giudei di Sicilia raccolto e publicato dai fratelli sacerdoti Bartolomeo e Giuseppe Lagumina*, Palermo, 1884-1909, 3 vols. so far published.

[47] *Zur Geschichte der Juden in Böhmen, Mähren und Schlesien von 906-1620*, Prag, 1906.

England."[48] Still the work before us is enormous and the number of trained collaborators is limited. This labor is of vital interest, however, and it is to be hoped that there will be a growing recognition of its importance as times goes on. Our Society ought to play a prominent part in realizing these great aspirations.

[48] See above, note 18.

JEWISH RIGHTS AT THE CONGRESSES OF VIENNA (1814-1815), AND AIX-LA-CHAPELLE (1818).

By Max J. Kohler, A. M., LL. B.

I.

The Congress of Vienna.

The consideration given to the subject of "Jewish Rights" at the Congress of Vienna, held at the close of the Napoleonic Wars, proved of considerable importance in the history of Jewish emancipation, though the narrative of the subject has been very much neglected. Probably for the first time in modern history, Jewish emancipation was officially passed upon at a conference of nations, and a resolution in favor of the principle was adopted, though its compromised form and the reactionary trend of events were such that it did not lead to as pronounced an improvement in the condition of the Jews as their friends had hoped. Jewish communities were officially represented at the Congress, although their spokesmen were not actually heard at any official sessions. More effective work was done by those not appearing officially through envoys, and the greatest statesmen of Europe publicly espoused the cause of Jewish emancipation at a time when, even in their own lands, the Jews generally labored under serious disabilities. A summary of the debates on the subject has been preserved in Klüber's *Acten des Wiener Congresses,* and in some of the memorials submitted on behalf of the Jews, which sources were sparingly utilized by Jost and Graetz in their histories of the Jews; but the numerous memoirs and the collections of letters of leading statesmen who figured at the Congress have not been drawn upon heretofore, although they modify Graetz's conclusions materially. Nor have specialized histories of various

German states and their Jewish communities, particularly those published during the past half-century, been heretofore utilized, while a great deal of material still exists in MS. in European archives. Unfortunately, the war has not only made it impossible to secure unpublished MS. material in Germany and Austria, but several scores of relevant printed works, chiefly German, which the writer has seen cited, could not be found in this country.

The conditions that confronted Europe at the Congress of Vienna were, in important respects, similar to those that are likely to confront the Peace Conference to meet at the close of the present war. The Napoleonic Wars, like the one in which civilization is now involved, saw material improvement wrought in the civil and political condition of the Jews, and the important question arose, whether the concert of the powers would safeguard these landmarks of civilization, or let each German state arbitrarily deal with them as it chose, at a time when public opinion was still inadequately formed, and when there was a strong tendency toward reaction and antagonism toward the French revolutionary spirit. This had established the abhorred revolutionary governments and measures, which force of arms had now unseated or called in question. It is to the signal credit of the greatest of the statesmen assembled at Vienna that they did not choose the line of least resistance, but, on the contrary, adopted a resolution on the subject, restricting individual German states from curtailing Jewish rights. Moreover, this Congress established an important international precedent in treating humanitarian questions, which had previously been regarded as matters of mere internal arrangement for each state. Freedom and equal rights for all Christian denominations were affirmatively guaranteed throughout the German states, and religious equality and liberty for all creeds in the Netherlands. Freedom of emigration from state to state in Germany was granted, and concerted efforts were

made toward the abolition of the slave-trade. Whatever its shortcomings, the Congress of Vienna set precedents which greatly tended to promote the cause of civilization and humanity. Moreover, as regards its provision for Jewish rights, its determination, in the autumn of 1816, called forth an emphatic protest against the course of the city of Frankfort-on-the-Main in persecuting its Jews, in violation of this treaty, which took the shape of identic notes from Austria, Prussia, England and Russia, probably the earliest joint international correspondence for the protection of Jewish rights.

The French Revolution, consciously to a great extent following our American precedent, had emancipated the Jews in France and Holland, and its influence in Italy, Germany and Austria had also been strongly in favor of abolishing Jewish disabilities.

In the Kingdom of Westphalia, which Napoleon had established, an effective scheme for Jewish emancipation was adopted and proclaimed. Karl von Dalberg, the Prince-Primate of the Confederation of the Rhine, had greatly alleviated Jewish disabilities in Frankfort, and granted enlarged rights on December 28, 1811, in consideration of large payments in money and bonds, though his edict was repudiated by the municipality in 1814.

Bremen and Lübeck at length saw Jews privileged to settle there, and Hamburg found their rights there greatly enlarged, but in 1814 voted against a confirmation of Jewish emancipation. States like Prussia in 1812, and Bavaria in 1813, had voluntarily followed the French precedents, and enlarged Jewish rights under the influence of French ideas and the more liberal spirit of the day. But scarcely had Napoleon been conquered, in 1814, than strong efforts were made to repeal all the ameliorating laws which revolutionary and semi-revolutionary governments had passed, and the Jews eagerly sought relief at

Vienna of a congress entrusted with the duty of establishing a German confederation.[1]

The Jews of Frankfort were officially represented at the Congress by Jacob Baruch, the father of Ludwig Boerne, and by G. G. Uffenheim,[2] J. J. Gumprecht being also active, as a petitioner,[3] and they submitted an able, extant memorial and petition to the Congress on October 10, 1814.[4] On May 12, 1815, they addressed a letter to Prince Hardenberg, the Prussian Chancellor,[5] which evoked a most sympathetic answer from that distinguished statesman.[6] Prince Hardenberg and Wilhelm von Humboldt were the leading advocates of Jewish

[1] Von Rönne and Simon, in *Die früheren und gegenwärtigen Verhältnisse der Juden des preussischen Staates*, Breslau, 1843, p. 19, called attention to the fact that the Jews had petitioned earlier peace-congresses held during the Napoleonic Wars for measures of emancipation. In fact, Michel Berr presented an appeal for a Jewish Congress at Lunéville in 1801, *Sulamith*, vol. ii, pt. 2, p. 320; vol. v, pt. 2, pp. 277-8, which is summarized in Kirwan's translation of Tama's "Transactions of the Parisian Sanhedrin," pp. 63-84. Even the Treaty of Westphalia of 1648, ending the Thirty Years' War, has been construed by a learned commentator as providing for Jewish toleration. See Pütter, *Geschichte des westfälischen Friedens*. Göttingen, 1795, p. 353, cited in Ruffini's "Religious Liberty," New York, 1912, p. 230. I am indebted for valuable references utilized in this paper to Profs. Gotthard Deutsch and Alexander Marx, Dr. K. Kohler, Albert M. Friedenberg, Leon Hühner, A. S. Freidus, and A. S. Oko, and to my wife. I am also greatly indebted to Frederic W. Erb, of the reference department of the Columbia University Library, for locating for me, often in libraries in distant cities, many of the works cited herein, and enabling me to utilize them in New York. See also, my paper, "Jewish Rights at International Congresses," in *The American Jewish Year Book, 5678*, p. 106 *et seq.*

[2] Klüber, *supra*, vol. vi, p. 610.

[3] *Ibid.*, p. 403.

[4] *Ibid.*, pp. 396-415.

[5] *Ibid.*, pp. 415-7.

[6] *Ibid.*, pp. 417, 8; see *infra*, p. 45.

rights at the Congress, and Metternich, Gentz and Wessenberg aided their efforts. Subsequently, on June 9, 1815, immediately after the Congress adjourned, Prince Metternich, its President, addressed letters to Baruch and Syndic Danz, confirming in the strongest terms the view that the Congress had secured the rights of the Jews in Frankfort,[7] and such a letter was also sent by Metternich, and another by Prince Hardenberg the next day, as will be shown later, to the representative of the Jews of the Hanseatic towns (pp. 62-4). The Jews of Bremen, Hamburg and Lübeck had selected as their representative at the Congress Dr. Carl August Buchholz of Lübeck, an able jurist, who had a short time before prepared an illuminating exposition of the duty of Jewish emancipation, and who submitted an able, printed memorial to the Congress, and held numerous conferences with Humboldt, Friedrich von Gentz, the distinguished Secretary of the Congress, and others on their behalf. Sir Adolphus W. Ward, in his chapters on "The Congress of Vienna" in *The Cambridge Modern History*[8] refers to the Jews of Strassburg as also being officially represented, but it is not unlikely that this was a mistaken reference to Hamburg.[9] Of course, unofficially, many other Jewish communities and leaders were active at the Congress in the cause of Jewish emancipation, particularly the Jewish communities of Prague, Berlin and Vienna, and individuals like the Rothschilds, Lämel of Prague, and the Arnstein, Herz, and Eskeles families of Vienna. Nor should one overlook the brilliant group of

[7] *Ibid.*, pp. 418-23; see *infra*, p. 61.

[8] Vol. ix, p. 588.

[9] However, it is quite possible that Ward's statement is correct, and we read, for example, that Michel Berr, who had done so much for Jewish emancipation in France and was, see *supra*, Secretary of the Napoleonic Sanhedrin, petitioned the Congress of Vienna for relief. See *Sulamith*, vol. v, pt. 2, p. 275, quoting one of his letters from the *Journal de France*, October 20, 1818. See his biography, by I. Broydé, in "The Jewish Encyclopedia," *s. v.*

Jewish *salon*-leaders of the day, Fanny von Arnstein, Cecilie von Eskeles, Madame Ephraim, Madame Pereyra and Madame Herz of Vienna, and Rahel Levin Varnhagen von Ense, and Dorothea Mendelssohn von Schlegel, with whom so many of the statesmen and potentates assembled were on intimate terms, and whose patriotism and intellectual gifts were so much admired. Strangely enough, the work of the Congress called the husbands of the last-named two, with their wives, to Vienna, there to join their scarcely less famous associates. It was naturally impossible to meet such brilliant people socially day by day, and yet uphold the theory that they were not entitled to equal civil and political rights and privileges.

The Congress of Vienna was in session from about the end of September, 1814, until June 9, 1815. An almost innumerable host of potentates and their representatives were in attendance, so that it was practically impossible to accomplish much at formal sessions, and nearly all the work was done at conferences of four, five or nine great powers, the great majority of envoys never being admitted even to any formal session, while brilliant social entertainments filled up the time. As controversies as to the disposition to be made of Poland and Saxony and differences as to establishing a strong German Confederation created almost interminable deadlocks, the Prince de Ligne's famous *bon mot* was justified, *le congrès danse, mais il ne marche pas.* Napoleon's escape from Elba and his reëstablishment hurried its work at the close and left much, which might otherwise have been agreed upon, unaccomplished. While Metternich, Castlereagh, Wellington, Alexander I, of Russia, Prince Hardenberg, Stein, Wilhelm von Humboldt, Nesselrode and Talleyrand were probably its chief figures, Ward's adoption of von Gagern's statement [10] is substantially correct, that the substance of the work of the Congress was

[10] *Supra*, p. 580.

carried on by a select group of political experts, consisting of Wessenberg Clancarty, Dalberg, Humboldt, Gentz and La Bésnardière. The subject of Jewish rights came up formally chiefly at the sessions of the Committee on German Affairs, at the beginning and again at the closing sessions of the Congress, the earlier meetings of this Committee having been suspended without accomplishing anything substantial. At the sessions of the Committee on German Affairs, consisting of representatives of Austria, Prussia, Bavaria, Hanover and Württemberg, Prince Metternich, on October 16, 1814, submitted a draft of twelve articles for a German Constitution on behalf of Austria and Prussia as a basis for discussion.[11] Metternich and Baron von Wessenberg represented Austria at these conferences, Prince Hardenberg and Humboldt, Prussia, and the Count of Münster and Count Hardenberg, Hanover, then a British possession. The draft in question is entitled as offered on behalf of Hanover as well as of Austria and Prussia.[12] Article 2 of this Constitution made it one of the purposes of the proposed confederation to " safeguard internally the constitutional rights of every class of the nation," [13] and Prince Wrede, the Bavarian envoy, at once contended that this phrase seemed to be too broad, particularly with respect to the Jews, as it might well be considered that they were not to enjoy in a particular state equal privileges with the rest. He contented himself with the declaration that only constitutional rights were involved, and that no sovereign's rights would thereby be curtailed, if such rights were not defined in the Constitution, and reiterated these objections in a written declaration soon afterwards.[14] At the

[11] Klüber, *supra*, vol. ii, p. 79.

[12] Klüber, *supra*, vol. i, p. 57. See Wilhelm A. Schmidt, *Geschichte der deutschen Verfassungsfrage*, edited by Alfred Stern, Stuttgart, 1890, pp. 209, 234 and *passim*.

[13] Klüber, *idem*.

[14] *Ibid.*, vol. ii, pp. 80, 91.

session of October 20, Württemberg also declared that a fuller and more definite formulation of the constitutional rights of every class of the nation was requisite,[15] in which view Prince Metternich acquiesced.[16] Count Winzingerode also refused to consent, by the instructions of the Württemberg Government, to such a curtailment of the rights of constituent sovereign states,[17] while Count Münster with Count Hardenberg on behalf of Hanover emphasized the absolute necessity of defining the rights of every German subject.[18] A resolution to define the constitutional rights of every subject was thereupon adopted.[19]

In December, 1814, Count Wessenberg, an Austrian representative, submitted a new draft, which contained an express, though limited, provision in favor of the Jews[20]; it provided a guarantee of equal civil rights for all Christians, namely, Catholics, Lutherans and Reformers, with the further comment "N. B., the toleration of the Jews is to be here incorporated."

[15] *Ibid.*, p. 97.

[16] *Ibid.*, p. 88.

[17] *Ibid.*, p. 107.

[18] *Ibid.*, vol. ii, p. 107, and vol. i, p. 68 at p. 70.

[19] *Ibid.*, vol. ii, p. 108.

[20] *Ibid.*, vol. ii, pt. 1 at p. 5. See Schmidt's account, *supra*, pp. 301-2. 447-56, 58 *et seq.*, of the efforts to secure provisions for religious liberty, and particularly his reference, *ibid.*, p. 302, to an unpublished letter of Dr. Buchholz, evidently in the Berlin Archives, "No. 102. *Réclamations des Juifs*," urging that Prussia should not permit the curtailment of rights already enjoyed by the Jews in that country through the power to be conferred on the *Bundestag* by the Constitution. Arneth's *Wessenberg*, Vienna and Leipzig, 1898, two volumes, contains much new material regarding Wessenberg's activities at the Congress, based on his diary and correspondence, but seems to ignore his pro-Jewish activities, though it is not unlikely that those documents contain some specific references. See also, A. Fournier, *Gentz und Wessenberg*, Vienna, 1907.

It is probable that the Austro-Prussian draft was intended to secure liberal provisions for Jewish rights, though purposely left vague and indefinite. Prince Hardenberg and Baron Wilhelm von Humboldt had long previously espoused the Jewish cause, and Metternich and Gentz were friendly disposed toward it. Baron Wilhelm von Humboldt already in 1809 had prepared a detailed report for the Prussian Government on Jewish emancipation in Prussia, going far beyond Dohm's famous work, which undoubtedly promoted the passage of the Prussian law of 1812, and he had given the subject deep thought, and was on intimate terms with prominent Jews and Jewesses. Humboldt's report is the ablest, most convincing and most profound treatment of the subject known to me, and it is remarkable that then already he emphasized the fact that a single state could not by itself satisfactorily solve the problem.[21] Prince Hardenberg had been largely responsible for the promulgation of the Prussian edict of 1812, which the King of Prussia issued only after much urging and with a great deal of hesitancy. Smidt, Bremen's representative at the Congress of Vienna, in a private letter to the Senate of that city, dated October 10, 1817, recently published,[22] reports that

[21] See Appendix A, *infra*, p. 103, containing a translation of this treatise and an outline of Wilhelm von Humboldt's relations to the Jews, *infra*, p. 95. The report is to be found in Wilhelm von Humboldt's *Gesammelte Schriften*, edited by B. Gebhardt, Berlin, 1903, vol. x, pp. 97-115. Substantially the same document is printed in Freund, *Die Emanzipation der Juden in Preussen*, Berlin, 1912, vol. ii, pp. 269-82, to which are added concurring opinions by Humboldt's associates. See also Gebhardt's *Wilhelm von Humboldt als Staatsmann*, 1894, vol. i, pp. 310-322; Ludwig Geiger's articles on *Wilhelm von Humboldt und die Juden*, in *Allgemeine Zeitung des Judentums*, vol. lxxvi, pp. 69-70, 593-4.

[22] Schwemer, *Geschichte der Freien Stadt Frankfurt*, vol. i, p. 399.

Privy Councillor Stägemann [23] and others in the *entourage* of Prince Hardenberg, had told him that the King of Prussia's signature to the edict had been secured only by Hardenberg's assurances that the other German states would surely follow Prussia's example, and thus the wholesale immigration of Jews into Prussia from other German states, where less favorable laws prevailed, would be avoided. Smidt adds that the Jews were indebted for their protection almost exclusively to Prince Hardenberg and the officials immediately under him.[24] This

[23] Ludwig Geiger, in *Monatsschrift für Geschichte und Wissenschaft des Judentums*, vol. liii, pp. 102-5 (1908), in summarizing passages from Stägemann's recently printed correspondence in his daughter, Hedwig von Olfers' biography, mentioned the fact that Stägemann stated that Baroness von Arnstein was especially affable to him on January 12, 1815, when he had just prepared a particularly satisfactory resolution for the Congress in favor of the Jewish communities of Hamburg, Bremen and Lübeck. Stägemann also noted his friend Hedemann's surprise on learning that the members of the Arnstein family and Mariamne Saaling were not baptized. Many excerpts from Stägemann's pen throwing light on the Jewish *salons* of Vienna of this time may be found in Regina Neiszer's review, *Aus vergangenen Tagen*, in *Allgemeine Zeitung des Judentums*, vol. lxxiii, pp. 476-8 (1909), of this same work, Hedwig von Olfers, *Ein Lebensbild*, Berlin, 1908. Doubtless, influence was also exerted through Jacob Salomon Bartholdy of the Prussian delegation in favor of Jewish emancipation. Bartholdy was a nephew of Mmes. Arnstein and Eskeles, and of David Friedländer, and a grandson of Daniel Itzig, one of the royal Prussian bankers, of Berlin, and he himself was a lieutenant in the Viennese militia, 1812-13, soon thereafter becoming Prussian Consul-General at Rome. See, as to him, von Gagern's *Mein Antheil an der Politik*, vol. iii, pp. 311-5, and the biography in "The Jewish Encyclopedia."

[24] See, for a contemporaneous Lübeck confirmation of this statement, Carlebach's *Geschichte der Juden in Lübeck und Moisling*, Lübeck, 1898, p. 68. Alfred Stern's interesting *Abhandlungen und Aktenstücke*, pp. 260, 261, shows that the King himself at the eleventh hour made unfavorable changes in the edict of 1812, and

was assigned as one of the chief grounds for Hardenberg's efforts to secure Jewish emancipation for all Germany at the Congress of Vienna. It appears, however, that two years later, in October, 1817, the King of Prussia in writing instructed Hardenberg to cease advocating the Jewish cause on behalf of Prussia as against Frankfort at the *Bundestag*.[25]

On January 4, 1815, Prince Hardenberg wrote a strong letter in favor of the Jews to Count Grothe, Prussian Envoy at Hamburg, at the instance of Dr. Buchholz, their representative.[26] He referred to the efforts being made at the Congress of Vienna on behalf of the Jews of Hamburg, Bremen and Lübeck for full and equal rights, and also mentioned the

> influence which Jewish houses exert upon the system of credit and commerce of the various German states, which cannot escape the notice of the Congress.

He stated that the restrictions recently imposed by the three designated cities on Jewish rights have all the more aroused his interest, as they are quite regardless of the future determinations of the Congress, and wholly inconsistent with the principles of the Prussian edict of March 11, 1812. He added the following cogent passages:

> The fate of the Jews in the remaining provinces and cities of the northern part of Germany cannot, since the enactment of the Prussian law, be a matter of indifference to the Prussian state, for continuing oppression and abhorred exclusion from rights, to which they are entitled as men, preserves a condition of immorality which has been made a reproach to them. The intention of our Government to extinguish the traces of prejudice, which has arisen merely from despicable and slavish treatment, by according to them participation in all civil rights and duties, has been

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Freund, *supra*, pp. 205, 206, confirms this. Compare Lewin, *Judengesetzgebung Friedrich Wilhelms II*, in *Monatsschrift für die Geschichte und Wissenschaft des Judentums*, vol. lvii (1913).

[25] Schwemer, *supra*, vol. i, p. 280; see also, *infra*, pp. 79, 80.

[26] Klüber, *supra*, vol. i, pt. 4, pp. 77-80.

frustrated. Moreover, the history of the past war against France has shown that they have become worthy, through true devotion, of the state which has taken them up. The young men of the Jewish faith have been companions in arms of their Christian fellow-citizens, and we have to point to examples of true courage and vaunted disregard of the perils of war among them, as well as among the rest of the inhabitants, and their women also, in particular, have mingled with the Christians in sacrifices of every kind.

If in other parts of northern Germany, the previously hostile system of treating the Jews continues, it must necessarily militate unfavorably against the spirit of the Prussian Jews, and retard their progress among us also, in view of the relations in which the families stand to each other, and particularly in view of immigration and intermarriage. Your Excellency is therefore respectfully urged by me to indicate the attitude of the Prussian Government in this respect towards the Jewish inhabitants of Hamburg, Bremen and Lübeck, and to induce the magistrates and corporations of these cities to pursue the course, with respect to a repeal of measures operating prejudicially toward the Jews, which the Prussian state adopted through the edict of March 11, 1812, equally at the behests of humanity and the requirements of the time, and in accord with a prudent system of state policy. In addition, it will not have been overlooked by your Excellency, as I have myself already remarked in promoting the disposition of our Government, that the commercial interests of the cities themselves suggest a milder treatment of their Jewish inhabitants, as they would, after all, not succeed in depriving the Jewish houses of their already acquired wealth, and continued persecution would merely incline the Jews to remove with their capital, which is so valuable to the Hanseatic towns, to other cities, in which the same rights as the Christian inhabitants possess would be accorded to them. Looking forward to early advices as to the results of your efforts

C. F. von Hardenberg.[27]

Vienna, January 4, 1815.
To the Royal Representative,
Count de Grothe,
Hamburg.

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[27] On the same day that he wrote this letter Prince Hardenberg furnished a copy of it to Dr. Buchholz, and assured him that his

Similarly, in answer to the petition by Jacob Baruch and G. G. Uffenheim on behalf of the Frankfort Jewish community, dated Vienna, May 12, 1815, Prince Hardenberg wrote:[28]

> With respect to your memorial of the 12th of this month, on behalf of the Jewish inhabitants of Frankfort-on-the-Main, I have no hesitancy in advising you that, in view of the compact entered into by the Jewish inhabitants of Frankfort with their former sovereign on December 28, 1811, and performed on their part, they are justified in assuming that they do not require Prussian intercession on their behalf at the Congress at all, as it cannot be doubted that the status of the Frankfort Jewish community is legally established and lawfully fixed.
>
> In as far, however, as the Jewish residents of the city of Frankfort seek to extend their civil rights beyond the compact made with their former sovereign, I would advise you to await the action of the Congress with respect to the civil rights of the Jews in Germany, and meanwhile to rest all the more assured of support from this quarter, as Prussia has already been in the van in adopting a special law in favor of her Jewish subjects.
>
> C. F. von Hardenberg.
>
> Vienna, May 18, 1815.

The recipients of these letters, however, would have had little opportunity to argue in Vienna in support of their mission, had Austrian official support not been accorded to them, for we learn from a work, published as late as 1913 by A. Fournier, *Die Geheimpolizei auf dem Wiener Kongress*,[29] that soon after

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efforts at the Congress would command his support, Carlebach, *supra*, p. 67. Some weeks later, February 13, 1815, L. L. von Höfner, Austrian *chargé d'affaires* at Hamburg, wrote in a sharper but similar strain to the Hanseatic towns at the direction of his court, *ibid.*, pp. 68-9. In the course of his letter to Lübeck he referred to the measures for Jewish emancipation as being demanded by "the dictates of humanity, the requirements of the time and a system of fatherly affection on the part of the state."

[28] Klüber, *supra*, vol. vi, pp. 415-8.

[29] Pp. 207-8.

Baruch and Gumprecht arrived in Vienna, a member of the secret police service, on October 27, 1814, recommended their immediate explusion, as a simple device to end their pro-Jewish propaganda! It is interesting to learn from these records that it was Mayer Amschel Rothschild, in conjunction with Gumprecht, who had induced the Prince-Primate in 1811 to make the compact with the Jews of Frankfort, which the city was now repudiating, and that Gumprecht was constantly their delegate and spokesman. It is stated that he was a Prussian by birth, had studied for several years at the Universities of Jena and Göttingen, and had lived at Frankfort with his wife for eight years.

Jacob Baruch, Ludwig Boerne's father, Gumprecht's fellow-delegate, was also a man of standing and ability, and Ludwig Boerne prepared several elaborate treatises, shortly before the Congress met, on the subject of the rights of the Jews of Frankfort.[30]

Gutzkow, in his life of Boerne, referred to the fact that Baruch, the father, is supposed to have been a schoolmate of Metternich, and rendered him politico-diplomatic services from time to time, and that the Jewish community of Frankfort tendered Baruch a present of 8000 *fl.* for his work at the Congress. Baruch refused to accept the gift. Ludwig Geiger in his edition of Boerne's works, published a note on Jacob Baruch's career and character.[31] Baruch's activities at the Congress and the intervention of the Rothschild family in favor of Jewish emancipation, are well described by Karl Varnhagen von Ense, the husband of the famous Rahel Levin, who was himself one of Prince Hardenberg's subordinates. Varnhagen in his

[30] They were published, with notes, in vols. iv and v of *Zeitschrift für die Geschichte der Juden in Deutschland*, as *Jugendarbeiten Ludwig Boerne's über jüdische Dinge*, by G. Schnapper-Arndt; see *infra*, pp. 76-7.

[31] Berlin, 1913, vol. ix.

Denkwürdigkeiten,[32] in writing on the Congress of Vienna said:

> Though the power of the house of Rothschild was then only in a formative stage, nevertheless its support of the demands of the Frankfort Jews for citizenship there, as well as of the Jews in general for universal German citizenship, stood them in good stead. To that cause Jacob Baruch devoted himself particularly, a brave and fine man, the father of the subsequently famous Boerne, and advocacy of the Jews of Lübeck was entrusted to Dr. Buchholz. This cause was impressed upon me strongly from various sides, but came before me officially only incidentally.

Much interesting information regarding Jewish activities at the Congress is contained in Dr. S. Carlebach's *Geschichte der Juden in Lübeck und Moisling,* based largely on an examination of the congregational archives of that city, although access to the municipal archives was refused to him. Moses Bloch of Lübeck took the lead in the work of endeavoring to keep in force the French, pro-Jewish, enactments, and excerpts from his correspondence with others active in the cause are published by Carlebach.[33] He turned first for advice to David Friedländer of Berlin, the distinguished champion of Reform, who had been active in the Prussian movement for Jewish emancipation and was married to another daughter of Itzig.[34] Bloch was also in close correspondence with Jacob Oppenheimer of Hamburg, who acted as chairman of a joint committee of the Jewish communities of the Hanseatic towns, formed at

[32] Vol. iii, p. 255. [33] P. 61 *et seq.*

[34] See I. H. Ritter, "David Friedländer," vol. ii, in his *Geschichte der jüdischen Reformation,* 1861; "The Jewish Encyclopedia," *s. v.,* David Friedländer, and works there cited; Appendix A, I, *infra,* p. 99; and Ludwig Geiger's history of the Jews of Berlin; Freund's *Die Emanzipation der Juden in Preussen,* Berlin, 1912; Lewin's *Die Judengesetzgebung Friedrich Wilhelms II,* in *Monatsschrift, supra;* Adolf Kohut, *Alexander von Humboldt und die Juden,* Leipzig, 1871, pp. 68-95, and in *Allgemeine Zeitung des Judentums,* vol. lxxiii, pp. 247-51, 262, 263, 284-6; Ludwig Geiger, *Vorträge und Versuche,* Dresden, 1890, pp. 87-9, 131-52, 224, 225, 242, 243, 269, 270.

Friedländer's suggestion.[35] A niece of Oppenheimer subsequently married Francis Lieber,[36] and a son married Dr. Buchholz's daughter.[37] The invitations to attend the joint conference of representatives of the Jewish communities of Hamburg, Bremen and Lübeck were signed by Notary Bresselau of Hamburg, who subsequently rendered valuable services in modernizing the Jews of Germany. It appears that a member of the Hamburg branch of the Schiff family was also active in the conferences on Jewish emancipation held in connection with the Congress of Vienna.

The printed memorial submitted by Dr. Buchholz was an able plea for Jewish emancipation. In addition to following the outlines of Dohm's famous work of 1781, it incorporated cogent arguments based upon emancipatory laws meanwhile enacted, and emphasized in some detail the patriotism of the Jews in the Napoleonic Wars. It is a booklet of 157 pages, with a preface of four pages, dated Vienna, December, 1814. Dr. Buchholz, as shown by the diary of Friedrich von Gentz, was in constant communication concerning the subject of Jewish rights with him during the Congress beginning April 16, 1815. At several of these conferences Humboldt participated.[38] Carlebach published much interesting information about Buchholz and his work[39]; at his own instance, Buchholz

[35] Carlebach, *supra*, p. 62, letter of August 20, 1814. See M. M. Haarbleicher, *Zwei Epochen aus der Geschichte der deutsch-israelitischen Gemeinde in Hamburg*, Hamburg, 1867, p. 122 *et seq.*

[36] Isler's *Gabriel Riesser*, 1867, p. 587; Perry's "Lieber," vol. i, pp. 68, 82, 86, 390.

[37] Carlebach, *supra*, p. 97.

[38] Gentz, *Tagebücher*, vol. i, pp. 372, 380, 381, 382, 383, 385, 386.

[39] Pp. 56, 63 *et seq.* See also, Buchholz's biography in "The Jewish Encyclopedia," which unfortunately overlooked Carlebach's book. A long and favorable review of Buchholz's work appeared in the semi-official *Oesterreichischer Beobachter*, March 2, 1815, reprinted in *Sulamith*, vol. iv, pt. 2, pp. 178-87, which probably greatly helped the Jewish cause.

had previously espoused the Jewish cause and written in favor of emancipation, including a valuable 64-page work, *Ueber die Aufnahme der jüdischen Glaubensgenossen zum Bürgerrecht.*[40]

Some weeks prior to this, von Gentz had a conference on March 9, with Simon Edler von Lämel of Prague, the distinguished Jewish patriot,[41] and he accepted a commission from him to urge Jewish emancipation at the Congress. Pursuant thereto he held numerous conferences with Lämel, and prepared a memorial in favor of Jewish emancipation.[42] Moreover, one of von Gentz's closest Viennese friends and associates was the banker Leopold Herz, and he was possibly the husband of Lämel's famous daughter, Elise von Lämel-Herz, both of whom are the subjects of articles in "The Jewish Encyclopedia."[43]

The enormous social influence of the Herz family upon the leaders of the Congress is indicated by references in von Gentz's diary to dinners at their house during its sessions which he attended. For instance, under date of February 2, 1815,[44]

[40] Lübeck, 1814.

[41] *Tagebücher, supra*, p. 363.

[42] *Ibid.*, pp. 365, 371, 374, 382, 383, 385, 386, 389. See *Wilhelm und Caroline von Humboldt in ihren Briefen*, edited by A. von Sydow, vol. iv, pp. 565-7; W. Alison Phillips' sketch of Gentz in "The Encyclopædia Britannica," eleventh edition, vol. xi.

[43] See as to Lämel, Wolf's *Geschichte der Juden in Wien*, Vienna, 1876, p. 106; *Der jüdische Plutarch*, Vienna, 1848, vol. i, pp. 118-30; a lengthy necrology in the supplement to No. 40 of the *Allgemeine Zeitung des Judentums* for 1845, by Dr. G., a Catholic; "The Jewish Encyclopedia," and *infra*, p. 65; Ludwig Geiger, *Vorträge und Versuche, supra*, pp. 219, 266.. Wolf also prints references to the Herz family.

[44] *Tagebücher, supra*, p. 354. A long and interesting account of this dinner and the reception that followed is given in *Aus Karl von Nostiszs Leben und Briefwechsel*, Dresden, 1848, pp. 166-8. This shows that Wellington here made his first appearance at the Congress of Vienna and all the world rushed in to see the famous hero. Herz is there described as Wellington's banker.

von Gentz mentions dining at the house of Herz with the Duke of Wellington, Lord Castlereagh, Lord Clancarty, Prince Metternich, Prince Talleyrand, Prince Wentzel Liechtenstein, Count Löwenhelm, Count Palmella, General Koller, General Czernitscheff, Count Charles Zichy, and others. Fournier's records of the secret police[45] contain some of the comments that passed current regarding this famous dinner at the Jewish banker's. Gentz also refers to his meeting the gifted Dorothea Mendelssohn von Schlegel, daughter of Moses Mendelssohn, during these sessions.[46] The reference to Dorothea Schlegel is a convenient one with which to couple the provision regarding Jewish rights which her distinguished husband, Friedrich von Schlegel, then in the Austrian service, inserted in his draft of a German Constitution, for consideration by the Congress, in March, 1815. It read:[47]

Article IV, §3. In order that the benefit of religious liberty shall finally be enjoyed by all the inhabitants of the various German Confederated States, and no class within the same shall be considered as disregarded and excluded in this matter by the Fatherland, the Israelites also, throughout the dominions of the German Confederacy, shall receive complete civil rights. All dis-

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[45] *Supra*, p. 377 *et seq.*

[46] See Henriette Herz's account of her in Fürst, *Henriette Herz*, and Kayserling, *Jüdische Frauen*. Some charming letters written by her during the Congress are printed in Dr. J. M. Raich's *Dorothea v. Schlegel und deren Söhne, Johannes u. Philipp Veit*, Mainz, 1881, and there are many appreciative references to her in Humboldt's correspondence. See Appendix A, I, *infra*, pp. 97, 100; "The Jewish Encyclopedia," *s. v.*, Mendelssohn (Dorothea); Hensel, *Die Familie Mendelssohn;* Unger, *Briefe von Dorothea und Wilhelm Schlegel an die Familie Paulus*, 1913, and the works cited in the bibliography; Ludwig Geiger's character study, in *Dichter und Frauen*, Berlin, 1896, pp. 128-150, also in *Deutsche Rundschau*, vol. clx, pp. 119-134 (1914).

[47] Pertz's *Leben des Ministers Freiherrn von Stein*, vol. iv, p. 420, vol. ii, part 2, p. 32; see Mejer, *Zur Geschichte der römisch-deutschen Frage*, 1885.

tinctions and disabilities conflicting with the rights of citizenship, under which they have till now labored, shall from now on cease and be wholly terminated; on the other hand, the Israelites shall be subject to military service in the same manner as other citizens, and as has been the practice in most of the German states during the period immediately past.

Most prominent among the social festivities during the Congress, with the sole exception of official functions, were those given by Baroness Fanny von Arnstein, wife of the wealthy banker, Nathan von Arnstein, of the firm of Arnstein and Eskeles, her sister, Madame Eskeles, being a close second. They were the daughters of Daniel Itzig and their homes were the centres of activity for the Prussian representatives in particular, though nearly all the prominent statesmen of the Congress were their guests from time to time. Varnhagen von Ense in his account of the Congress of Vienna [48] mentions the fact that Madame von Arnstein's *salon* was frequented by Cardinal Consalvi, Prince Hardenberg, Wellington, Capodistrias and Pozzo di Borgo, and he published a fine tribute to this high-minded, patriotic Jewess, as also a detailed sketch of her associates, Sara and Mariane Meyer, who became Frau von Grotthus and Frau von Eybenburg respectively.[49] Goethe was an admirer of the former. Dr. Kayserling, in his *Jüdische Frauen,* published long and sympathetic accounts of these brilliant Jewesses, which Berdrow's biography of Rahel Levin Varnhagen supplements. The same service is rendered by the collections of von Gentz's correspondence published very

[48] *Denkwürdigkeiten,* vol. iii, p. 237; see Hedwig von Olfers, *supra.*

[49] *Ibid.,* pp. 407-16, 635. See, for Sarah and Mariane Meyer, the detailed bibliography in Ludwig Geiger, *Vorträge und Versuche, supra,* pp. 219, 220, 267, and Varnhagen's collection of twenty-five letters from Goethe to Madame von Grotthus in *Denkwürdigkeiten,* vol. iv.

recently, especially that with Brinkmann.[50] Gentz reports the Prince de Ligne's *bon mot* regarding Baron von Arnstein's elevation to a baronetcy in 1804 that he was *le premier baron du Vieux Testament.*[51] The volume of secret-police reports,[52] contains a report of an entertainment given by Baroness von Arnstein on January 10, 1815, attended by the Prince of Prussia, Cardinal Consalvi, Prince Trauttmansdorff, Prince Hardenberg, Prince Hessen-Homburg, Count Capodistrias, Count Keller, Count Solms, Countess Bernstorff, and others and adds:

> People say that Madame von Arnstein planned to have her *tableaux mouvants* surpass even those of the Court and that she accomplished her purpose.

Other brilliant Jewish *salons* of Vienna at this period were those of Madames Pereyra, Ephraim, and Levy. The banker Geymüller is also described in some of the histories of the time as a Jew, but this seems to be a mistake. Of course,

[50] Edited by Wittichen, 1910. See Landsberg, *Henriette Herz*, Weimar, 1913; G. Heinrici, *Briefe von Henriette Herz an Twesten* in *Zeitschrift für Bücherfreunde*, new series, vol. v, pt. 2, 301-16, 333-47 (1914); Hahn in *Nord und Süd*, October, 1892; Adolf Kohut, *Alexander von Humboldt und die Juden;* Wurzbach, *Biographisches Lexikon, s. v.*, Franziska von Arnstein; Wilhelm von Humboldt's correspondence with Henriette Herz in *Aus dem Nachlass Varnhagen von Ense's; Briefe von Chamisso*, etc., Leipzig, 1867, vol. i, pp. 21-133; Sydow, *Wilhelm und Caroline Humboldt in ihren Briefen*, seven volumes, Berlin, 1907-14; Grunwald, *Oesterreich's Juden in den Befreiungskriegen*, Leipzig, 1908; *idem., Die Feldzüge Napoleons*, Vienna and Leipzig, 1913; Hedwig von Olfers, *supra;* Ebstein, *Drei neue Bücher über Rahel Levin* [biographies by Ellen Key, Bertha Badt and A. Weldler-Steinberg], in *Monatsschrift, supra*, vol. lviii, p. 385 *et seq;* also *infra*, pp. 96-101.

[51] *Briefe an und von Gustav von Brinkmann*, etc., *supra*, p. 218; compare pp. 97-9.

[52] Fournier, *supra*, p. 339. See also, *Memoiren des k. pr. Generals Ludwig Freiherrn von Wolzogen*, Leipzig, 1851, p. 275.

all this social influence was potent upon the deliberations of the Congress.

Returning to Klüber's *protocol* of the debates at the Congress, the Committee on German Affairs resumed its sessions in the spring of 1815, and in the interim Prince Hardenberg's letter to the Hamburg envoy (pp. 43-4) had been written. We supplement the *protocol* particularly by reference to Schmidt's work, cited above, and the recently published municipal records of Frankfort [53] containing original contemporary reports from the leaders of the opposition to Jewish emancipation, Danz of Frankfort, and Smidt of Bremen, and the Jewish records of Lübeck contained in Dr. Carlebach's history. Early in April, 1815, Humboldt and Prince Hardenberg submitted a new draft of a constitution, prepared by the former,[54] which, in Article IX, expressly provided for unrestricted religious liberty. In view of opposition Prussia, on April 22, 1815, offered a new and much less satisfactory draft, analyzed in Schmidt's work on the basis of the MS. original in the Berlin archives, but overlooked by Klüber. It provided:

> The three Christian denominations shall enjoy equal rights in all German states, and adherents of the Jewish faith, in as far as they assume the duties of citizenship, shall have accorded to them corresponding rights, which, independently of their religious relations and political influence and activity in public offices (on which points determination by separate state constitutions is reserved) shall be equal to those of other citizens.[55]

This was superseded May 1, by a new draft, which provided in §9:[56]

> The three Christian denominations shall enjoy equal rights in all German states, and adherents of the Jewish faith, in as far as

[53] Schwemer, *supra*, vol. i, p. 136 *et seq.*, vol. ii; *Johann Smidt: Ein Gedenkbuch*, Bremen, 1873; B. Schulze-Smidt, *Bürgermeister Johann Smidt*, Bremen, 1914.

[54] Klüber, *supra*, vol. i, part 4, pp. 104-111; Schmidt, *supra*, pp. 445-8.

[55] Schmidt, *ibid.*, p. 449.

[56] Klüber, *supra*, vol. ii, p. 305.

they assume the duties of citizenship, shall have accorded to them corresponding civil rights.

Austria proposed a new draft the same month, Article XVII of which, after first establishing equal rights for Christian denominations, provided:[57]

Persons of the Jewish faith shall remain in the enjoyment of their already acquired rights, and are declared capable of securing civil rights in as far as they assume the performance of the duties of citizenship.

Humboldt criticized this clause as follows:[58]

To declare the Jews *capable* of acquiring rights is no apt term in a constitution. If they are declared capable, it is necessary also to grant the rights, and then it will again be too much to speak in general terms of civil rights. The Prussian version permits greater latitude, and yet it is more definite and more useful for the Jews. The guarantee of already acquired rights will give rise to much objection and even dispute in states where governments have adopted the French principles.

On May 23, 1815, Prince Metternich submitted a new draft on behalf of Austria and Prussia in the light of these criticisms, and it provided in Article XIV:[59]

Adherents of the Jewish faith shall receive, in as far as they assume performance of all the duties of citizens, corresponding rights of citizenship, and to the extent that this reform shall contravene state constitutions, the members of the Confederation declare that they will endeavor as far as possible to remove these obstacles.

Previously, on May 5, 1815, Smidt reported his employment in private conversation of the following extraordinary line of reasoning regarding the claims of the Jews of Frankfort:[60]

The Jews of Frankfort were, it is true, in a much better situation than those in the other cities, for it is well known that by the

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[57] *Ibid.*, p. 313; Schmidt, *supra*, pp. 453-4.

[58] Schmidt, *ibid.*, pp. 462, 463.

[59] *Ibid.*, pp. 320, 341.

[60] Schwemer, *supra*, vol. i, p. 136 *et seq.*

expenditure of large sums of money they had purchased full civil rights in Frankfort from the Grand Duke, who was no mere usurper but a universally recognized sovereign. But one must recognize that civil rights in a republic are entirely different from civil rights in a monarchical state. The former the Grand Duke had neither been capable, nor desirous, of selling, and the Jews had not secured them through the purchase, but merely had obtained municipal rights.

An account of the proceedings at the conference of the "United Princes and Cities" is [61] as follows:

Smidt had also succeeded in inducing the "United Princes and Cities," that is, all who were represented in the negotiations by a deputation merely, jointly to urge that the Jewish matter should be referred to the future *Bundestag*. . . . . In his report of the reading of the Austrian-Prussian provision on May 23 [above quoted], he noted how he had prepared the attitude of the hearers: "When the point regarding the reference of the Jewish matter came up, Count Rechberg first of all began to laugh, and the laughter became contagious and was followed by all in turn with a couple of exceptions. Among those not laughing the Prussian Humboldt surely was to be found. The latter was very much annoyed over the obstacle which the Prussian plan encountered, and he did not conceal his antagonism from Smidt either; he said he would surely not permit the reference [to the *Bundestag*], and advised Smidt to say nothing regarding it. The provision was unfavorable enough for the Jews, and his wing had contented itself with it most unwillingly. No one compelled the cities to accept new Jews as citizens, but those who already were located there must be treated properly. Smidt would only compromise himself if he took the matter up, and he, Humboldt, would in that event, proceed vigorously against the designs of the cities. Smidt prudently avoided Prussian anger by keeping in the background during the debate; he reserved matters for the chief battle."

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[61] Schwemer, *supra*, p. 138. That the free cities were not able to preserve their independence without a struggle, at Vienna, further appears from a letter of Humboldt to his wife, dated December 8, 1814, regarding Frankfort and indicating that Bavaria had designs, favored by Metternich, upon her territory. See von Sydow, *supra*, vol. iv, p. 435.

On May 26, 1815,[62] in discussing Article XIV of the Austro-Prussian draft, Bavaria urged that the article did not belong in the Constitution, and that matters that did not relate to internal regulations were to be referred to the Diet. Hessen-Darmstadt did not believe that the Jewish clause belonged in the German Constitution, but merely in the organic act. The representatives of the princes declared that the rights of the Jews should not be determined in the first Constitution, and might be considered in connection with Articles XVI or XVII, and that the subject be referred to the Diet merely.[63] Holstein declared that the status of the Jews should not be treated in the Constitution, and in no event would its delegates regard themselves as bound thereby. At the fifth conference on May 31, the matter came up again.[64] Austria and Prussia insisted that the principles to underlie the treatment of the Jews should not be left for determination to the Diet to meet at Frankfort, as indicated by some prior votes, but should be settled at once, because they were an important subject of general interest, the purposes of which could be accomplished only through uniformly adopted legislation. But as the terms "reform" and "rights of citizenship" seemed to arouse some objection, they suggested substituting for "reform" the word "improvement," and instead of "rights of citizenship," in order to avoid misunderstanding, "civil rights." The Hanoverian representatives declared that they supported the article proposed unconditionally, because the limitations it contained left it to the desires of the individual governments to determine to what extent they would modify, in accordance with the best interests of the state, their subsisting restrictions upon the Jews, standing in the way of Jewish admission to citizenship.

[62] Klüber, *supra*, vol. ii, p. 365.
[63] See *ibid.*, pp. 378-9; for Holstein see p. 365.
[64] *Ibid.*, vol. ii, pp. 440-1.

Upon the basis of this declaration not only many of the envoys, including Electoral Hessen, Luxemburg, Gotha, Schaumburg-Lippe, Waldeck, and Nassau, voted expressly in favor of the clause, but the representative of the Grand Duke of Hessen joined the majority; and Holstein, for reasons now reiterated in writing, Lübeck, Bremen and Frankfort voted for a reference of the subject, in view of its importance, to the Frankfort Diet. It was, however the next day resolved to make another effort to secure unanimity for a new version. The two Bernstorffs, on behalf of the Danish province of Holstein, in the written declaration referred to,[65] emphasized Denmark's friendly attitude toward the Jews, but called attention to their lack of instructions on the point, and hence favored a reference to the Diet. In the contingency of the conference desiring immediate action, however, they suggested a general clause, substantially like the following:

Adherents of the Jewish faith, in as far as they assume the duties of citizenship, shall be assured a firm civil status, which the *Bundesversammlung* shall define more specifically.

At the session of June 1, 1815,[66] in view of the plan to secure unanimity for a new version, the following clause was submitted and approved:

The Diet shall consider how the civil amelioration of the adherents of the Jewish faith in Germany can be effected in the most uniform manner possible, and particularly how the enjoyment of civil rights can be assured to them in exchange for their acceptance of all the duties of citizenship in the Confederated States. However, until then, adherents of that faith shall enjoy the rights heretofore accorded to them in the several states.

The Danish representatives for Holstein, the Bernstorffs, submitted at this session a more definite draft to evidence

[65] *Ibid.*, pp. 450-1.
[66] *Ibid.*, pp. 465-7.

their desire to go in this matter as far as possible without instructions. This draft provided:[67]

> Adherents of the Jewish faith, in as far as they assume the duties of citizenship, are guaranteed civil laws protecting them, with respect to the rights accorded to them, against persecution, oppression, arbitrary conduct and expulsion on the part of the legislature.

A commission of two to edit the text of the Constitution, and report the next day, was appointed, and unfortunately, Senator Smidt, the leading opponent of Jewish rights, as well as President von Berg of Schaumburg-Lippe, became the members of this committee.[68] Danz, the representative of Frankfort, had meanwhile protested in writing vigorously against this clause, and attempted to reserve the right of not being bound thereby,[69] and the representative of Electoral Hessen also objected in general terms.[70] At the next conference, on June 2, it was decided to preface to this clause a declaration of equal rights for adherents of the Catholic and Evangelical churches.[71] Saxony, in writing, objected to the inclusion of the Jewish provision, giving it preference there over others, declared by it to be

[67] *Ibid.*, pp. 456, 463.

[68] *Ibid.*, p. 457. Family letters written by Smidt during the Congress and just published in the work of B. Schulze-Smidt, *supra*, indicate that he and his wife were on not unfriendly terms with Jews at Vienna. Thus, on September 28, 1814, he wrote (p. 334): "Mine [his wife] makes new acquaintances daily among Christians, Jews and Turks. . . . . With the Pilats and Schlegels we frequently have very agreeable intercourse." A few days later he made similar remarks about Varnhagen and his newly wedded wife, Rahel, who dined with the Smidts (p. 337), and previously, April 29, 1814, he wrote this from Paris, which is puzzling for that early date: "I live here in Paris, for the Jews an annoyance, for the Greeks a piece of stupidity" (p. 311).

[69] *Ibid.*, pp. 463-4.

[70] *Ibid.*, pp. 464-5.

[71] *Ibid.*, p. 471.

equally important, and urged that at least the clause continuing already acquired rights should be omitted.[73] The new draft was submitted[73] but not discussed till the 3d of June, when this clause, now §16, was provisionally approved, despite the opposition of Saxony, Bavaria and Hessen-Darmstadt,[74] while Bremen contended that this would not validate the French laws regarding the Jews in the 32d French Military Division which had included that city. At the session of June 8, 1815,[75] Bavaria once more objected to the article concerning the Jews, and the phrase "*by* the several states" was substituted for "*in* the several states," in the passage in Article XVI "continuing" Jewish rights, "heretofore accorded to them *in* the several states," till the Diet acted, on the ground that such a modification had been "previously acceptable,"[76] which fateful change of phraseology at the time attracted no attention. Frankfort's representative, in a memorandum dated June 5, 1815, expressing gratitude over the recognition of the independence of the city, qualified his earlier protests regarding the Jewish clause by stating that he had made them only to avoid misunderstanding.[77] The Constitution of the German Confederation was signed June 8, 1815, and Article XVI, referred to, read as follows:[78]

The different Christian sects in the countries and territories of the German Confederation shall not experience any difference in the enjoyment of civil and political rights. The Diet shall consider of the means of effecting, in the most uniform manner, an amelioration in the civil state of those who profess the Jewish

[73] *Ibid.*, pp. 471, 477-9. See also, d'Angeberg, *Le Congrès de Vienne*, Paris, 1815, four vols., vol. iii, p. 1319.

[73] Klüber, *ibid.*, pp. 472, 490.

[74] *Ibid.*, pp. 501-2.

[75] *Ibid.*, p. 535; compare, p. 502.

[76] *Ibid.*, vol. ii, p. 535.

[77] *Ibid.*, p. 542.

[78] *Ibid.*, pp. 587, 610-11; English rendering from Herstlet's "Map of Europe by Treaty," vol. i, p. 205.

religion in Germany, and shall pay particular attention to the measures by which the enjoyment of civil rights shall be secured and guaranteed to them in the Confederated States, upon condition, however, of their submitting to all the obligations imposed upon other citizens. In the meantime the privileges already granted to that sect by any particular state shall be secured to them.

Friends of Jewish emancipation thought that they had won a good fight in securing a declaration in favor of amelioration to be carried out by the Diet, but, in the meantime, a preservation of rights theretofore accorded. Gentz made an entry in his diary on June 9, 1815.[79]

L'affaire des juifs heureûsement terminée; l'acte de la confédération ayant été signé hier, sans que l'article qui les concerne, ait été ébranlé.

Prince Hardenberg and Metternich also, soon after, so expressed themselves in writing. But the contemporaneous private letters to the Frankfort public authorities from their representative indicate that Smidt deliberately made the apparently merely stylistic change from "in" to "by," radically changing the sense, as was thereafter contended. Smidt expressed himself privately as well satisfied.[80] In fact, Klüber, in his work *Uebersicht der diplomatischen Verhandlungen des Wiener Congresses* in the chapter on Jewish Rights [81] said:

Senator Smidt, the representative of the free Hanseatic town of Bremen, had, at a session prior to June 8, proposed the substitution of "by" for "in" with particular reference to this point.

[79] *Supra*, p. 385.

[80] Schwemer, *supra*, pp. 140-1.

[81] Pp. 375-96, 384, note. This work is obviously that of an anti-Jewish partisan, and Klüber seems to have adopted this attitude already during the sessions of the Congress. As the leading writer on the Congress he greatly injured the Jewish cause. See also the Jewish references in his *Oeffentliches Recht des deutschen Bundes und der Bundesstaaten*, edition of 1840, pp. 216b, 232, 465, 467e, 516, 525, 529.

Bavaria and Saxony had supported his proposition and the rest did not oppose, but this was not inserted in the protocol.

Klüber added a note that this omission had occurred " perhaps by accident," evidently reflecting on von Gentz's pro-Jewish attitude. Through a ridiculous blunder, Graetz intimated that von Gentz falsified the later entry in opposition to Jewish rights, and that the change was never authorized.[82]

The Frankfort archives show that the representative of the municipality also was caught napping, and that he was astounded to learn [83] from Prince Metternich's letter of June 9, 1815, to Baruch,[84] that another provision had been inserted in Article LXXX, particularly applicable to the Jews of Frankfort, which Metternich publicly invoked when the Congress adjourned, as confirming Prince-Primate Dalberg's grant. Metternich wrote:

In answer to the petition of the Jewish deputies of the City of Frankfort-on-the-Main, dated October 10, 1814, to the High Congress, praying for a confirmation of the compact of December 28, 1811 with the former Grand Duke of Frankfort regarding the Civil Rights of the Jews, they are informed, that in the Independence Act for the free City of Frankfort, the magistrates are advised that all well-acquired rights of every class of inhabitants are confirmed, and every contravening regulation is to be avoided. By this disposition, the Jewish community of Frankfort-on-the-Main will find satisfaction, as the legal compact which they had previously made is fully confirmed.

PRINCE METTERNICH.

Vienna, June 9, 1815.
To MR. BARUCH of Frankfort.

While the pro-Jewish edicts of revolutionary governments, like Hamburg, Bremen and Lübeck, were not so sweepingly and unequivocally permanently confirmed, those of the regularly-

[82] *Geschichte*, German edition, vol. xi, p. 626, note. The same error was carried over into Martin Philippson, *Neueste Geschichte des jüdischen Volkes*, Leipzig, 1907, vol. i, p. 87.

[83] Schwemer, *supra*, pp. 141-2.

[84] Klüber, *supra*, vol. vi, pp. 418-9.

constituted governments of other German states, particularly Frankfort's, were. Both Metternich and Hardenberg wrote letters after the Congress adjourned regarding its action in relation to the Jews of the Hanseatic towns [85] indicating that they thought the Jews had won their fight there, too.

Prince Metternich wrote to Dr. Buchholz as representative of the Jews of the Hanseatic cities under date of June 9, 1815:

> The Powers assembled here at the Congress, not unmindful of the welfare of individuals, have resolved that persons of the Jewish confession in the German Confederated States shall be assured general civil rights. But as the circumstances of the day made it impossible fully to carry out this subject at the Congress of Vienna, it was meanwhile decided that the German *Bundestag* at Frankfort shall deliberate in what way general civil rights shall be conferred on the Israelitish communities of Germany, and that until such deliberations are concluded, the liberties and rights conferred upon the Israelitish communities in the various confederated states shall be preserved intact. This is communicated to the representative of the Israelitish communities in Germany, Dr. Buchholz of Lübeck, in answer to his memorial to the Congress dated December 9, 1814, in order to give to those communities the assurance that the welfare of the Israelitish communities will be considered at the *Bundestag*, and that active measures will be taken for conferring upon them these general rights.
>
> PRINCE METTERNICH.

Prince Hardenberg, under date of June 10, 1815, wrote to the Senate of Lübeck:

> The undersigned, Chancellor of State of his Royal Highness the King of Prussia, has learnt with much regret from the reports of his Majesty's envoy, Count de Grote, that the representations he had been instructed to make on behalf of the Jewish inhabitants of the city have thus far been ineffective.
>
> Consideration of the subject by the Congress here had induced the undersigned to preserve silence on it until a determination was had. Now, however, that a resolution on the subject was adopted by the Congress, providing that the civil rights of the

[85] Carlebach, *supra*, pp. 73-5; Klüber, *Acten*, *supra*, Erlangen, 1835, vol. ix, pp. 334, 335.

Jews be referred for determination to the Diet of the Confederacy, the undersigned cannot refrain from reiterating the disposition of Prussia on the subject, and flatters himself that the noble Senate, as well as the municipality, when made acquainted therewith, will give weight to wishes as just as they are humane, and will heed intercessions of governments to whom the city owes so greatly the recognition of its independence.

Prussia has afforded an example by its legislation to the rest of Germany, and proceeded with the fullest conviction that there was only one remedy for eliminating most effectively and surely the disadvantages that were feared from the adoption of persons of the Jewish faith into the body corporate, that is, to accord to persons of that confession the enjoyment of full civil rights in exchange for their assumption of the duties of citizenship.

The Hanseatic Cities, which are so intimately connected with the Prussian State, cannot refrain from imitating this example, without directly contravening the purpose of the Prussian Government to bind its Jewish inhabitants to their Fatherland, and in this way to secure favorable results as well for themselves as for the state; all the more so, as the Hanseatic cities have so many recognized obligations toward Prussia, and are so closely related to her through their common ties, binding them together in a united German Fatherland.

How unjust and unfounded the fears are that the advance of the Jewish families in the commercial cities will be to the detriment of Christian merchants, is demonstrated by the commercial cities of Prussia, which stand in no different relationship than the Hanseatic towns. The Jewish families since the enactment of legislation in their favor have not progressed relatively more; no Christian commercial house has had its welfare sacrificed; just as many commercial houses exist as before, and they transact their business with the same good fortune as ever, without our having the slightest complaint in the matter.

Under the terms of Article XVI of the Constitution of the German Confederation, it cannot be doubted that the civil rights of the Jewish inhabitants of the Hanseatic cities are preserved until action by the Diet in the premises, in accordance with the French legislation fixing these rights, and in line with the Prussian legislative policy and the principles of rational toleration. The undersigned requests the noble Senate, after communicating these views and arguments to the municipality, kindly to act towards that end, and thereby to pave the way for a sympathetic reception

by the city of the resolution of the Diet, which may be expected to be introduced, inasmuch as the opinions expressed at the Congress by a decided majority, and the resolution of the Congress that followed, leave no doubt that it is the earnest intention of all Germany to accord the enjoyment of civil rights to her Jewish inhabitants, upon their assumption of the obligations of citizenship, and in this way to gain for the cause of Christianity not merely relief in the most just manner, from the heavy stigma which has been resting on her for so many years of cruel intolerance, but also in that it will make possible a transition for the better for a numerous class of inhabitants of Germany in the most liberal, rational way.

The undersigned gladly avails himself of the opportunity to assure the noble Council of his esteem.

C. F. von Hardenberg.

Vienna, June 10, 1815.

It will be observed that these letters deal with the article of the Treaty of Vienna as if it had not been materially changed through the substitution of the words "*by* the several States," for "*in* the several States." Either the verbal amendment had escaped the attention of Hardenberg and Metternich, or, as is indicated by Hardenberg's express reference to the French legislation, they regarded it as immaterial, inasmuch as a reasonable construction continued in force legislation even of such *de facto* revolutionary governments.

Dr. Carlebach narrates most sympathetically and in detail the long, futile and heart-rending struggle of the Jews of Lübeck to preserve their rights, thus "guaranteed" by the Powers, but, despite remonstrance and protest after remonstrance and protest, the Jews were expelled from Lübeck and Bremen, even in the nineteenth century! The extraordinary circumstance is noted by him that it was intimated to the Jews of Lübeck, in the course of the struggle, that appeals for aid to extra-municipal powers might even lead to prosecutions for treason![86] Unfortunately the Jewish communal records for

[86] *Ibid.*, p. 84.

this period of Hamburg and Bremen remain unpublished, and this is very largely true of Frankfort, too.

An interesting contemporary account of the inner struggle for Jewish rights at the Congress by one of the leading champions of the Jews has now seen the light, in the recently published correspondence between Wilhelm von Humboldt and his wife.[87] Writing to his wife on June 4, 1815, shortly before the Congress adjourned, Wilhelm von Humboldt said:

Since the beginning of the Congress, the Jews sought to acquire complete rights of citizenship in Germany. I have always been favorably disposed toward this matter. I know, however, that you think differently, sweetheart, but I have considered the matter a great deal at different times and remain loyal to my old views. It is, moreover, an idea of my youth, for Alexander and I were regarded, even when we were children, as bulwarks of Judaism. I took up the matter here all the more, because, as Prussia has accorded almost complete rights to her Jews, it would be better for us that such legislation should be general, because otherwise all the Jews would flock to us. . . . . An old man[88] from Prague, whose demeanor pleased me quite well, as he was not among the new fashioned Jews, came to see me a few times, and urged the matter upon me. Thereupon I drafted an article according to my convictions; in the present conferences this became a chief topic of debate, not by reason of the fact that there were not more important ones, but because the more important ones were not discussed, as it was realized that it would result in separating us further, instead of uniting us. Metternich, Wessenberg, Hardenberg and I maintained the cause as well as we could. Rechberg

[87] Edited by von Sydow, *supra*, vol. iv, pp. 565-7. Varnhagen von Ense reports that Humboldt kept a detailed diary of his activities, political and social, at the Congress of Vienna, but that it was accidentally destroyed. See *Briefe von Chamisso*, etc., *supra*, p. 13. There is, therefore, little chance of this journal being included in a later volume, to be entitled *Tagebücher*, of the definitive edition of Humboldt's collected writings, issued by the Royal Prussian Academy of Science, from which Appendix A, II, *infra*, p. 103 *et seq.*, is taken, in translation.

[88] Probably Simon Edler von Lämel. See Gentz, *Tagebücher*, vol. i, as cited *supra*, p. 49.

[Bavarian envoy], Darmstadt, Saxony and the Hanseatic cities constituted the principal opposition. The matter came up at two sessions; Metternich nearly abandoned it in accordance with his habit, but I persisted, gave the matter new direction, and yet made it free from detriment by merely referring it to the future *Bundesversammlung*, but preserved the already acquired rights of the Jews. Much has been said about the matter, that I alone composed the article and secured its adoption.

Humboldt went on to mention the fact that the old gentleman in question, after the Jewish article had been adopted, called to see him, thanked him unceasingly, and offered him three rings, emeralds set with brilliants, as a present, stating that he could, if he preferred, have a credit of 4000 ducats with him. As above pointed out, the Frankfort Jewish community similarly endeavored to show their appreciation of his services to their representative Baruch, about the same time; Humboldt, like Baruch, however, declined the present, and stated that what he had done, had been done merely for the sake of the Jews, and that he would accept no present for it; and he also declined a proposed present of silver plate, to be made for him and delivered a year afterwards.

There are other references to the Jews in Humboldt's letters to his wife during the pendency of the Congress of Vienna. Under date of December 4, 1814, he wrote:

[Madame] Levy Varnhagen I spoke with recently, when I visited [Madame] Arnstein on her birthday. She had previously told Prince George [Crown Prince of Mecklenburg-Strelitz] that she is in disfavor with me. For that reason, as this leads to nothing further, I was very friendly toward her.[89]

Previously he had quoted von Gentz's characterization of Rahel Levin as "the most intellectual woman on earth" to his wife, but added:

One must be able even to forego intellect; I remained inexorable; [90]

[89] Von Sydow, *supra*, vol. iv, p. 430.

[90] *Ibid.*, p. 80.

and *à propos* of Rahel's marriage to Varnhagen and the possibility of her becoming an ambassadress or excellency, he said:

There is nothing that the Jew does not achieve.[91]

On January 17, 1815, he wrote to his wife:

Arnsteins have again given wax-figures. I did not attend. I am working with all my might to give the Jews all civil rights, so that it will no longer be necessary, out of generosity, to go to Jewish houses. But they do not love me at all.[92]

He also wrote on January 13, 1815:

Recently, at dinner at the Chancellor's [Prince Hardenberg] several of his advisors maintained that the edict he issued regarding the Jews [emancipation of the Jews, March 11, 1812] had resulted in bad consequences, which were particularly detrimental, in the small cities. He, who was always very liberal, argued against this. I am wholly of his opinion and approve of the edict. It cannot possibly be prudent forever to maintain the old discrimination against Jews by Christians, and even to increase the prejudice. However, I would not care, as he does, to argue away occurrences asserted by informed people, and I positively believe that the incidents, which I do not deny, are to be ascribed to other circumstances, if only because one has perhaps neglected to do things that it was necessary to have done simultaneously with the edict.[93]

Elsewhere Humboldt explained more fully what he meant by his remark that some things had been neglected. This was, the Germanization of the Jews, their assumption of the duties of German citizenship, and the like, which he had had incorporated in the Treaty of Vienna in connection with the conferment of the rights of German citizenship. In a letter to his wife, written April 9, 1816, he made this clearer, saying:

But to return to the Jews; much remains to be done that has been neglected, instead of repealing what I have always approved, granting them rights of citizenship. Why, for example, does one

[91] *Ibid.*, p. 395.
[92] *Ibid.*, p. 458.
[93] *Ibid.*, p. 454.

authorize their purchase of exemption from military service? Why does one not devise means to promote other pursuits [than trading] among them? [94]

So also, in a memorandum prepared by Humboldt for the Chancellor, as to Prussia's proposed course at the Diet, the former wrote under date of September 30, 1816, regarding Article XVI of the Germanic Constitution: [95]

DETERMINING THE RIGHTS OF THE JEWS [ARTICLE XVI].

Prussia, in addition to general considerations, is specially interested in securing action, so that the Jews will not be too greatly lured into Prussia by the circumstance that the Jews enjoy much greater privileges there than in the rest of Germany. With respect to the subject proper, of improving the political condition of the Jews, two disadvantages commonly connected therewith should be avoided, if possible: (1) that the Jews will not avail themselves unduly of newly-acquired rights in order to enlarge merely their moneyed business affairs, or even to turn other pursuits [like the purchase of real estate, agriculture, etc.] into moneyed business; (2) that they will not continue too much to remain a separate community in matters other than their religious affairs, and one denomination seek to supersede the other, in consequence of which various detrimental misunderstandings would arise in the performance of civil obligations and also in the exercise of their callings.

It is convenient here to point out that Freiherr von Stein had occupied a rather anomalous position with respect to Jewish disabilities. While in general liberal, an enthusiastic advocate of a powerful German empire and of a constitution guaranteeing individual rights, he had been the official at the head of the reconquered German territory which included Frankfort, and angered Metternich and Hardenberg by prematurely and unconditionally recognizing Frankfort's independence. A commission appointed by him in 1814 reported

[94] *Ibid.*, Berlin, 1912, vol. v, p. 228.

[95] *Gesammelte Schriften*, Berlin, 1904, vol. xii, pt. i, p. 53 at 113.

adversely to the validity of the grant to the Jewish community in Frankfort, and on an appeal to him on the part of the Jews of Frankfort, dated September 5, 1814, for a recognition of the rights of the 3000 Jews involved,[96] von Stein, under date of September 7, 1814,[97] advised the Jews that he could not change the determination, but that they would have to come to an arrangement with the municipality. As seen, however, Hardenberg and Metternich pursued a course favorable to Jewish rights. On the other hand, during the Congress of Vienna, von Stein was officially an adviser of Russia, and under date of November 4, 1814, he addressed a vigorous letter to Emperor Alexander, urging him to use his influence to establish a strong German union, with a constitutional guarantee of "rights for all the inhabitants of Germany," that Germany cease to be "a large gathering place for oppressers and oppressed,[98] and that the Emperor write a note to this effect. Alexander I did, in fact, hand a note of this tenor to Metternich and Hardenberg on November 11, 1814,[99] urging that a constitution be adopted "defining the rights of all, and protecting them through firm and liberal provisions." Stein's draft of a constitution, submitted for Russian consideration in January, 1815, provided for a "formulation in the Constitution of the common rights of all Germans." There is no tangible evidence that von Stein acted *pro* or *contra* at the Congress on the question of Jewish rights, but contemporary Jewish opinion, to the effect that he

[96] *Aktenmässige Darstellung der Bürgerrechte der Israeliten zu Frankfurt*, 1816, pp. 33-4, appendix ix.

[97] *Ibid.*, appendix x.

[98] Pertz, *supra*, vol. iv, pp. 148-9; see Stein's diary, edited by Lehmann, in *Historische Zeitschrift*, vol. lx, p. 400; and Wilhelm A. Schmidt, *Geschichte*, *supra*, p. 248 *et seq.*

[99] *Ibid.*, pp. 150-1. Even previously Nesselrode in the Czar's name seems to have interceded with the free Hanseatic cities on behalf of the Jews: Haarbleicher, *Zwei Epochen*, etc., *supra*, p. 137.

was privately hostile to them, is confirmed by a letter written by Wilhelm von Humboldt to his wife on April 9, 1816,[100] in which he combated her anti-Semitic views, and said that her statements that the Jews possessed one-third of the houses in Berlin and the best ones at that, would be ammunition for von Stein, in connection with the latter's project to colonize the Jews on the coast of North Africa!

More important, however, as a landmark in the history of religious liberty in general is the provision of the Treaty of Vienna concerning the Netherlands (Article LXXIII), incorporating and ratifying the "Eight Articles" secret treaty of Holland with England, Austria, Russia and Prussia of the preceding year (1814), which was probably the first international treaty which provided for absolute religious liberty. Its significance is commonly overlooked even by writers on international law, probably because of unfamiliarity with some details in the history of the Netherlands involving enforcement of this very provision. It was a Belgian publicist, Jean De Ridder, who called attention to it a few years ago, in an address on *La Liberté de Conscience en Droit International.*[101] The clauses in question, establishing the union of Holland and Belgium, provided that the Articles of the new Constitution of the United Kingdom which assured to all creeds protection and equality before the law, and guaranteed the right of all citizens, regardless of religious belief, to admission to public employments and offices, should remain unalterable.

[100] Ludwig Geiger, in *Allgemeine Zeitung des Judentums*, vol. lxxvi, pp. 69, 70, quoting from the work edited by von Sydow, Berlin, 1912, vol. v, p. 228. On the other hand, Freund, *supra*, vol. i, p. 125, cites Pertz, *supra*, vol. iii, p. 125, for the proposition that Stein approved Schrötter's emancipatory edict, but rejects this himself; Alfred Stern, *Abhandlungen und Aktenstücke*, p. 228, is to the same effect.

[101] *Revue Droit International et de Legislation Comparée*, 1905, Series II, vol. ii, pp. 283-302.

Article LXXIII of the Treaty of Vienna provided:[102]

S. M. le Roi des Pays-Bas ayant reconnu et sanctionné, sous la date de 21. juillet 1814, comme bases de la reunion des provinces belgiques avec les Provinces Unies les huit articles renfêrmes dans la pièce annexe au present traité, lesdits articles aurant la même force et valeur, comme s'ils etoient inserés de mot à mot dans transaction actuelle.

Article II of the Treaty of Eight Articles, signed at The Hague, July 21, 1814, provided:[103]

Il ne sera rien innové aux articles de cette constitution que assûrent à tous les cultes une protection et une faveur égales et guarantissant l'admission de tous les citoyens quelle que soit leur croyance religieuse, aux emplois et offices publics.

Jean De Ridder says of this provision:

Here we find guaranteed for the first time in an international treaty, and one of the most important ones at that, not only the equality of all Christian confessions, not only the necessity of leaving to certain citizens, rights which they already enjoyed under their old sovereign, but the equality of all creeds, and admission of all men to public employment and office, whatever their religion. Jews, Buddhists, Mohammedans or Christians, all were given equal rights in the eyes of the law; the state gives them equal protection. I may remark, in passing, that this article of the Treaty of Vienna rendered binding upon the Prince of Orange, the Constitution which had been given to us and which provoked such violent protestations, particularly on the part of the Bishop of Ghent, de Broglie. These protestations could not have effect; they were contrary to the international obligations of the sovereign. One sees what immense progress the cause of religious liberty had made. The principle had at length been fixed in all its amplitude, and all the Powers guaranteed it. That is not to say, however, that the recognition of religious liberty by the law of nations was definitive. Even now, one cannot consider it complete. But a great step forward had been made.

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[102] Klüber, *supra*, vol. vi, p. 68; d'Angeberg, *supra*, p. 1418, see pp. 182, 183, 207.

[103] Klüber, *supra*, p 176.

The circumstances referred to by M. De Ridder deserve fuller consideration. On March 28, 1814, a proposed Constitution for the two states was drawn up, providing, as seen, in Articles CXC-CXCIII for absolute religious liberty and equality.[104] One of Holland's most distinguished Jews, Jonas Daniel Meyer, was one of the chief framers of this Constitution.[105] The four Powers had entered into the Treaty of 1814, providing for the Union of Holland and Belgium under the Prince of Orange under the specified conditions, and the same became generally binding through the quoted clauses of the Treaty of Vienna. While Holland ratified this Constitution, the Belgian Assembly of Notables rejected the religious liberty clauses, among others, on August 18, 1815, Belgium being still strictly Catholic almost without exception. King William I of the Netherlands, nevertheless, proclaimed this Constitution in force on August 24, 1815, declaring that the rejection of the religious liberty clauses was illegal because inconsistent with the Treaty in question. The ultra-Catholic party was incensed, and under the leadership of Maurice de Broglie, Bishop of Ghent, bitterly assailed this course. The Bishop declared it to be treason against religion to take the oath to support this new Constitution, and the Pope at first sustained his course. The Bishop was prosecuted in the civil courts for contumacy, however, and fled to France, and some years later the new Pope acquiesced in the constitutional provisions in question.[106] It is stated,[107] that the emancipation of the Jews in Belgium dates from the adoption of this provision. The "Correspondence, Despatches and Other Papers of Viscount Castlereagh" contains an official despatch from Lord Clancarty to Castlereagh

[104] "The Cambridge Modern History," vol. x, pp. 518-25.

[105] Boulger's "History of Belgium," London, 1909, vol. ii, p. 14; Jost's *Neuere Geschichte der Israeliten*, vol. ii, p. 115.

[106] See Boulger, *supra;* "The Cambridge Modern History," *supra.*

[107] See "The Jewish Encyclopedia," *s. v.*, "Belgium," "Netherlands," and "Ghent."

from The Hague, April 12, 1814, referring to some Dutch objections

that the Jews should be suffered to enjoy offices in the state and seats in the legislature,[108]

but they, fortunately, proved futile.

Moreover, the Prince de Ligne, who was of a princely Belgian family and an intimate friend of Emperor Joseph II and whose *bon mot* about the Congress of Vienna has already been quoted herein, had even previously worked for Jewish emancipation in Belgium and had published a very clever essay on the Jews.[109]

The Netherlands provision was largely the work of British diplomacy, but Holland had long before this, of course, established its fame as an upholder of religious liberty. There is reason to believe that Talleyrand, the distinguished representative of France, also favored these religious liberty clauses and early in his career, on January 28, 1790, he had brought in a report in favor of emancipating the Portuguese Jews in France,[110] despite anti-Semitic opposition, and soon after, in 1791, he was among the leaders in opposing as inadequate the use of the term "toleration," to express the natural right of liberty of conscience. The results of Jewish emancipation in the Netherlands had been so good that Carl Asser, in 1827, at the request of his sister-in-law, Rahel Levin Varnhagen von

[108] Vol. ix, p. 424.

[109] See his *Mémoires et Mélanges Historiques et Littéraires*, Paris, 1827, vol. ii, pp. 28-49. As to earlier incidents in the history of the development of religious liberty in Belgium and opposition there to Emperor Joseph II's Toleration Edict, see Ruffini's "Religious Liberty," *supra*, pp. 425-28; E. Hubert, *Le Voyage de l'Empereur Joseph II dans les Pay-Bas*, Brussels, 1882, pp. 10-11, 82, 322-3, 369-70; Frank, *Das Toleranzedikt Josephs II*, 1882.

[110] Graetz, *supra*, Leipzig, 1870, vol. xi, pp. 210-11; William Milligan Sloane, "The French Revolution and Religious Reform," 1901, pp. 116, 117, 154, 186, 187, 257-63; Joseph Lémann, *L'entrée des Israélites dans la société française et les états chrêtiens*, Paris, 1886, *idem*, *La prépondérance juive*, 1889-94.

Ense, prepared an essay entitled *Précis historique sur l'état des Israélites du Royaume de Pays-Bas,* as an example for other states,[111] and a series of opinions to the same effect were furnished by the leading officials of Holland in 1842 to the Swedish Consul as an argument in favor of Jewish emancipation in his country.[112]

Despite the clear provisions in the Treaty of Vienna, in favor of the Frankfort Jews, that city continued recalcitrant, and anti-Jewish feeling became tense elsewhere too. Varnhagen von Ense, in his work *Nach dem Wiener Kongress,*[113] reports

[111] Jost, *supra,* vol. ii, p. 119. David Friedländer, *Ueber die Verbesserung der Israeliten im Königreich Pohlen,* Berlin, 1819, pointed out that Holland established a European precedent in appointing Jews to high public office. He quoted an item from the *Allgemeine Zeitung,* December 14, 1815, regarding the bestowal of knighthood on Meyer and the appointment of Asser to an important post in the Department of Justice by the King of the Netherlands, "the king making no distinction on the score of the religious faith of his subjects and considering only merit in the bestowal of honors."

[112] *Ibid.,* pp. 121-7. Contrast this with earlier Swedish conditions depicted in E. Meyer, *Die Literatur für und wider die Juden in Schweden im Jahre 1815,* in *Monatsschrift, supra,* 1907, vol. li, pp. 531-41.

[113] *Denkwürdigkeiten,* vol. vii, pp. 151-3; *Briefwechsel zwischen Varnhagen und Rahel,* Leipzig, 1875, vol. iv, p. 180, giving the former's contemporary account dated July 3, 1815; Jost, *Neuere Geschichte der Israeliten,* vol. i, p. 47; Ludwig Geiger, *Ueber den Verfasser der Posse "Unser Verkehr,"* in *Allgemeine Zeitung des Judentums,* vol. lxvii, February 13, 1903; M. L. Nathanson, *Leben des Hofraths David Amsel Meyer,* Copenhagen, 1816, p. xlii; *Unser Verkehr, ins Dänische übersetzt,* Braunschweig, October, 1815; C. A. R. . . . . d, *Kurze Bemerkungen über das Manuscript "Unser Verkehr,"* Leipzig and Cologne, 1816, p. 149; the illustrations in the text at the end of Georg Liebe, *Die Juden in der deutschen Vergangenheit,* Leipzig, 1903. I am indebted to Prof. Alexander Marx and Albert M. Friedenberg for these references. On Israel Jacobsohn see, besides the biography in "The Jewish Encyclopedia," Ludwig Geiger, *Vorträge und Versuche, supra,* pp. 226, 271-3.

how, on July 1, 1815, Prince Hardenberg prohibited, at Israel Jacobsohn's instance, the performance of an anti-Semitic play, *Die Judenschule, oder Unser Verkehr,* by Sessa, previously sanctioned by a subordinate, which course provoked wide comment and disapproval on the part of persons not unfriendly to the Jews, though his conduct had been dictated by the unseemliness of such attacks

> inasmuch as the Jews had made large sacrifices for their country during the recent war, and had nobly competed with the other inhabitants in rushing to arms, a number having become officers or acquired Iron Crosses.

After Hardenberg's departure for Paris from Berlin, the play was nevertheless produced, Varnhagen commenting on this disregard of the sacrifices evidenced by the death of Moritz Itzig and Hauschildt at the battle of Lützen. Hardly had Hardenberg and Metternich arrived in Paris than they wrote vigorous official protests in November, 1815, against Frankfort's illegal course.[114] Hardenberg fully sustained the Jewish contentions, and reproached Frankfort for having obtained opinions in favor of its claims from the legal faculties of German universities, in violation of the conclusions of the Congress and in defiance of the provision of the treaty. This had left the subject, if there was any doubt in the matter, to the determination of the Diet. Metternich had officially informed the

[114] *Aktenmässige Darstellung, supra,* appendices xxvii, xxviii, pp. 95-104. The foregoing reference by Varnhagen to Moritz Itzig was particularly telling at this time. We learn from Varnhagen's essay, *Ludwig Achim von Arnim und Moritz Itzig,* in his *Vermischte Schriften,* Leipzig, 1875, vol. ii, that the anti-Semitic von Arnim, after grossly insulting Itzig, refused to accept the latter's challenge to a duel on the ground that he was a Jew. Sometime later Itzig was killed in battle, fighting for his country. This led von Stägemann, a poet as well as an aide of Prince Hardenberg, to coin the epigram: "Itzig and Arnim both remained behind, the former dead on the battlefield of Lützen, the latter skulking behind his own stove!"

municipal authorities that Frankfort's independence had been recognized only on condition that all legally-acquired rights of every class of inhabitants be enforced. He now wrote in the same spirit, and declared that

> every arbitrary interference with the affairs of the Jewish community would be an attack on the authority of the *Bundestag*.

Soon thereafter, Friedrich von Schlegel, who was the Austrian representative at Frankfort, under date of January 30, 1816, wrote a vigorous report, attacking the municipality for violating both the pro-Jewish and pro-Catholic clauses of the Treaty of Vienna; it has come down to us and was recently published.[115] But as even Metternich's and Hardenberg's representations were practically futile and were answered evasively by Frankfort in December, 1815, Schlegel's recommendations were of course ineffective. The *Aktenmässige Darstellung,* the chief memorial ably setting forth the claims of the Frankfort Jewish community, dated January, 1816, had been apparently prepared for it by Ludwig Boerne.[116] Boerne also prepared a sum-

[115] Bleyer, *Friedrich Schlegel am Bundestag in Frankfurt*, in *Ungarische Rundschau*, vol. ii, p. 666, *et seq.*, vol. iii, pp. 331-5.

[116] Graetz, *supra*, vol. xi, p. 340, citing Gutzkow's *Boerne*, p. 94; see also Holzmann, *Ludwig Boerne*, Berlin, 1888, pp. 87-9; and Varnhagen, *Denkwürdigkeiten*, vol. vii, p. 27. *Briefe von Gentz an Pilat*, see more fully, *infra*, p. 81, quotes a letter from Gentz dated August 29, 1826 (vol. ii, p. 206), in which he says of Boerne: "I consider Boerne's essay very mediocre. Nor do I find his style to be as of old. He was thoughtful and witty as long as he criticized bad poems and poor plays and made the persecutors of the Jews ridiculous. His political effusions are petty and tiresome." Evidently Boerne's Jewish writings attracted attention in influential circles, and some of Gentz's numerous conferences with him undoubtedly related to contests for Jewish rights. Ludwig Geiger suggested that this may have been the case in *Allgemeine Zeitung des Judentums*, 1913, pp. 391-2. These conferences began long before 1821, the earliest date Geiger seems to have discovered; the first appears to have taken place September 5, 1818 (*Tagebücher*, vol. ii, p. 258), shortly before the important action by the *Bundestag*

mary of this contest, *Die Juden in der Freien Stadt Frankfurt und ihre Gegner,* but his father induced him to destroy it, after it was printed, because of its vehement tone. Boerne subsequently reprinted the bulk of it, and it is summarized in Holzmann's biography,[117] cited above.

Jacob Baruch sought Metternich's aid once more and demands, not merely on the part of Austria and Prussia in 1816, but from the four great Powers, England, Russia, Austria and Prussia, followed between August and November, 1816. Schwemer [118] reported that these four Powers addressed identic

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on the Frankfort Jewish matter and the Conference of Aix-la-Chapelle, and the entry of December 27, 1819 (*ibid.*, p. 377), specifically states that Gentz worked with Baruch on the Frankfort Jewish matter. As will be noticed presently (pp. 88-9), von Plessen reported to the *Bundestag* on the Frankfort Jewish matter, September 10, 1818, and on the 17th of that month the *Bundestag* appointed a commission to adjust the controversies (Jost, *supra*, vol. i, p. 77; Ilse, *Geschichte, infra*). The visit of Baruch [Boerne] of September 5, 1818, to Gentz, above referred to, was followed on September 9th (*Tagebücher*, vol. ii, p. 261) by the visits to Gentz of C. and A. M. Rothschild, Count Buol, Baron Beckheim and Count Goltz, some avowedly regarding the Frankfort Jewish matter, and by several visits by Bethmann, and by the Rothschilds again on the 12th and 14th. By September 28th (*ibid.*, p. 268) Gentz was at Aix-la-Chapelle to attend the Conference there, and before that Conference adopted the resolution of November 21, 1818, hereinafter referred to, Gentz had repeated meetings there with the Rothschilds, Dr. Buchholz of Lübeck and Dr. Lindner of Stuttgart, and on November 13, 1818 (*ibid.*, p. 283), he prepared a *mémoire* for the Frankfort Jewish community.

[117] As to Boerne's subsequent activities on behalf of Jewish emancipation, see also Ludwig Geiger's edition of Boerne's works. Berlin, 1903, vol. ix, pp. 188, 252, 472, 480.

[118] *Supra*, pp. 272-3. See a reference to one of these notes from the four Powers in *Johann Smidt, Ein Gedenkbuch, supra*, p. 153, in which other Jewish references may be found, pp. 20, 94, 97, 120, 176.

notes to Frankfort reiterating the prior demands of Austria and Prussia. They based their stand on the principle that, inasmuch as the future regulation of the affairs of the Jews had been reserved for the *Bundestag,* Frankfort had no power to change them to the detriment of the Jews. In a second identic note, dated November 6, 1816, the four Powers again demanded that Frankfort repeal its ordinances, unless the *Bundestag* took jurisdiction, and as matters had become most serious for the Jews, in view of increasing anti-Semitic riots, not only in Frankfort, but elsewhere in Germany, the Jews concluded to appeal to the *Bundestag.* These are probably the earliest joint international state papers on behalf of the Jews, and are doubtless preserved in archives, though not yet in print.[119]

The humane attitude of the British Government is further indicated by the following, hitherto unpublished despatch from

[119] Compare the British intervention on behalf of the Jews of Bohemia in 1744, when threatened with expulsion by Maria Theresa, which is treated at length by Dr. J. Krengel in *Monatsschrift,* 1900, vol. xliv, pp. 177 *et seq.,* 259 *et seq.;* also the treatment of the Dutch Government's intervention on the same occasion by Prof. David Kaufmann, *Gesammelte Schriften,* Frankfurt, 1910, vol. ii, pp. 328-373, *Barthold Dowe Burmania und die Vertreibung der Juden aus Böhmen und Mähren.* Venice also then intervened in their behalf, and Prof. Kaufmann notes that representations were also made by Saxony, Mayence, Brunswick, Poland, Turkey and the Pope, *ibid.,* p. 336. It is interesting to note, as arguments for such intermediation, not only the behests of humanity and justice, but that Burmania mentions the important Dutch commercial interests that would be jeopardized, and the injury occasioned through the resulting forced immigration into Holland, thus antedating the Hay Roumanian Note by nearly two centuries. One should note, too, Humboldt's and Hardenberg's similar arguments at the Congress of Vienna in favor of interstate action on behalf of the Jews. See, too, Kohler and Wolf, "Jewish Disabilities in the Balkan States," *Publications, supra,* No. 24, pp. 5-7, 94-7, 108-14.

Lord Castlereagh, British Secretary of State for Foreign Affairs, which the British archives have just yielded up:

Foreign Office, July 8, 1816,
To the Earl of Clancarty.
My Lord:

As it is probable that the situation of the Jews may become subject of consideration to the Allied Plenipotentiaries at Frankfort, I have received the commands of His Royal Highness the Prince Regent to instruct your Excellency, in that event to encourage the general adoption of a liberal system of toleration with respect to the individuals of the Jewish persuasion throughout Germany, in order that they may not be deprived of those indulgences they have lately enjoyed.

I am, etc.,

CASTLEREAGH.[120]

It was thereafter, in October, 1817, that the King of Prussia forced Hardenberg's hand, as already pointed out, by instruct-

[120] Docketed: "No. 8. To encourage a liberal system towards the Jews throughout Germany." I am indebted to Albert M. Hyamson, of London, for his kindness in sending a transcript of this document to The Jewish Publication Society of America. Unfortunately, divided counsels seem to have weakened the more liberal British influence, for the "Correspondence, Despatches and Other Papers of Viscount Castlereagh," vol. xi, pp. 414-5, contains a despatch from Count Münster, the Hanoverian, to Castlereagh, dated March 23, 1818, reading as follows: "I have the honor to return herewith, with many thanks, Mr. Lamb's [Frederick Lamb, later Viscount Melbourne] despatches relating to the conduct of the Austrian Cabinet concerning the .... claims of the Jews in Frankfort. As to Mr. Lamb's Note respecting the Jews, I should be wanting in sincerity, if I did not avow that I regret its having been delivered, for, in my humble opinion, the principle on which the Note is founded cannot be maintained, and I cannot convince myself that the mere circumstance of the matter having been mentioned in the Act of the Congress of Vienna could warrant the interference of Foreign Powers, after the matter has been actually brought before the Germanic Diet. This is, as Martens informs me, in a letter dated the 8th March, the impression produced at Frankfort. Of course, a civil answer has been given to the Note."

ing him on behalf of Prussia not to support the Jewish cause as against Frankfort at the Diet,[121] and a subsequent protest from England, in February, 1818,[122] was also futile. The *Bundestag* appointed a commission on the subject in September, 1818,[123] but it was six years before the matter was concluded, and then only by an unsatisfactory compromise. The details of these incidents are outside the scope of the present paper. The Rothschilds became potent factors in enlisting Metternich's aid on behalf of the Jews, and von Gentz continued as their active advocate.[124]

The unsuccessful efforts of the Jews of Lübeck to preserve their rights, including those of residence, are fully narrated in Dr. Carlebach's work. Previously, on August 8, 1816, the Austrian *Beobachter,* a semi-official government newspaper, had vigorously attacked Lübeck for having expelled the Jews, without waiting for the action on the Jewish question by the Diet, saying:

> How can the future *Bundestag* deal with the amelioration of the Jews, when individual states thwart its action by the most

[121] Schwemer, *supra*, vol. i, p. 280.

[122] *Ibid.*, p. 281.

[123] *Ibid.*, p. 281; vol. ii, pp. 21, 148, 152, 163. For a detailed account of the proceedings in the *Bundestag* see Ilse, *Geschichte der deutschen Bundesversammlung*, Marburg, 1861, vol. i, pp. 308-406, and Jost, *supra*, vol. i, pp. 23 *et seq.*, 68 *et seq.*

[124] Schwemer, *supra;* Alf. Stern, *Geschichte Europas seit den Verträgen von 1815*, Berlin, 1894, vol. i, pp. 318-20; Bender, *Zustand der Israeliten zu Frankfurt; Festschrift zur Jahrhundertfeier der Realschule der israelitschen Gemeinde (Philanthropin) zu Frankfurt-am-Main 1804-1904;* Gentz, *Tagebücher; Briefwechsel zwischen Varnhagen von Ense und Oelsner, nebst Briefen von Rahel*, Stuttgart, 1865, three vols.; Jost, *supra;* Graetz, *supra;* Ludwig Geiger, *Friedrich von Gentz und die Juden*, in *Allgemeine Zeitung des Judentums*, 1910, pp. 414-18; *ibid.*, 1913, pp. 391-2; and his *Goethe, Bettina und die Frankfurter Juden*, in *ibid.*, 1903, vol. lxvii, pp. 474-7; as well as his *Goethe und die Juden*, in *Vorträge und Versuche*, *supra*, pp. 215-80.

arbitrary and cruel determinations? This incident involves a lack of regard, not merely for the Diet, which is soon to meet, but also reflects upon the chief courts of Germany, whose principles on the question have been enunciated often and loudly enough, and while passionate excesses can explain, they cannot justify, such a course.[125]

Gabriel Riesser in the course of his valuable and effective efforts for Jewish emancipation in Germany made good use of arguments based on this provision of the Treaty of Vienna, for instance, in his work, *Ueber die Stellung der Bekenner des mosaischen Glaubens in Deutschland*[126] which also contains his construction of Article XVI.

[125] Graetz, *supra*, vol. xi, pp. 346-7. *Sulamith* vol. iv, pt. 1, pp. 323-4. The collection *Briefe von Gentz an Pilat*, the editor of the *Beobachter* and long private secretary of Metternich, edited by Karl Mendelssohn-Bartholdy, Leipzig, 1868, vol. ii, p. 432, contains a letter, undated, from Gentz to Pilat, regarding this incident. Gentz wrote: "Do you recall the impudent opposition of the Lübeckers and Frankforters in the Jewish matter, the offensive answers they rendered to the courteous notes of Austria and Prussia? Do you believe that people who treated the *Beobachter*, the semi-official journal of our Cabinet, as they did, threatening it with dire consequences, etc., have neglected to take sides this good while? That, relying on the opinion of the mob in North Germany, upon their countless protectors and associates, on the constitution and its collapse, upon a mass of positive and negative measures that I don't care to enumerate, they are not fully resolved not to pay heed to representations, but on the contrary, will fight for their self-imagined rights to the last ditch (even if all public order collapses as a result)? Be assured that the Government, in whatever course it may attempt, is certain to compromise itself in the deepest way without helping you or the cause any!" And among those arousing public opinion in England against the brutal persecution of Lübeck was the Christian missionary periodical, *The Jewish Expositor*, 1819, pp. 72-4.

[126] Second edition, Altona, 1831, pp. 34-9. In the British Parliament in 1833 Robert Grant made use of this provision and Prince Hardenberg's utterance; see *infra*, p. 266 *et seq.*

II.

The Congress of Aix-La-Chapelle.

The Great Powers were represented at the Conference of Aix-la-Chapelle, which met in the autumn of 1818, for the particular purpose of determining whether the allied troops should now be withdrawn from France, and to decide regarding the payment of France's indemnity to the allies. Interesting details regarding this conference are to be found in W. Alison Phillips' "The Confederation of Europe," including a slight, purely incidental, reference to the discussion of the subject of Jewish emancipation. The conference took place at a time of violent reaction from liberal French Revolutionary ideas, and in the midst of the unsuccessful efforts to induce Frankfort and the Hanseatic towns to carry out the terms of the Treaty of Vienna. Various Jewish communities and their friends turned to this Conference for relief. This occasion was also chosen by Lewis Way, an English clergyman who was deeply interested in the work of societies seeking to convert the Jews to Christianity, and the real founder of the reorganized London Society for Promoting Christianity Among the Jews, to advance their emancipation in Europe. He prepared in their behalf a petition, delivered October 5, 1818, addressed to Emperor Alexander I of Russia and the allied rulers, together with an accompanying memorial, which interested the Czar so greatly, during this mystical-religious period of his life, that he referred the memorial to the assembled conference of ministers, through Nesselrode, his chancellor. Action was had thereon, which is set forth in the *protocol* of November 21, 1818, signed by all the plenipotentiaries, Metternich, Hardenberg, Richelieu, Bernstorff, Castlereagh, Nesselrode, Wellington and Capodistrias, as follows:

Without entering into the merits of the views entertained by the author of the project, the Conference recognizes the justice of his general tendency, and takes cognizance of the fact that the plenipotentiaries of Austria and Prussia [Metternich and Harden-

berg] have declared themselves ready to furnish all possible information concerning the Jewish situation in those monarchies, in order to clarify a problem which must claim the attention equally of the statesman and the humanitarian.

Way caused his petition, the memorial, and the report thereon, to be printed in French in Paris, 1819, as a pamphlet of 78 pages, entitled, *Mémoires sur l'état des Israélites, dédiés et présentés à leur majestés imperiales et royales, réunies au Congrès d'Aix-la-Chapelle.*[127] It follows very largely the reasoning of Dohm's famous work on Jewish emancipation and, in fact, embodies a new plea in outline by Dohm, dated November 1, 1818, prepared at Way's instance at this time. Way sought a fuller treatise from Dohm, but did not afford the latter adequate time for this purpose, in view of the former's plan to submit it at the Aix-la-Chapelle Conference.[128] The provision of the Treaty of Vienna on Jewish emancipation was quoted by Way, and he emphasized the failure to enforce the provision according to its spirit, particularly in Germany, Poland, Austria and Italy, and urged the Czar to set the example

which will produce its effect upon the whole world.[129]

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[127] Paris, 1819. A copy of the booklet, now rare, is to be found in the New York Public Library and another in the Library of The Jewish Theological Seminary of America.

[128] Shortly before this Dohm published a little-known work entitled *Ein Wort zur Beherzigung an meine israelitische und christlich Glaubensbrüder*, Breslau, 1816, described in Fürst, *Bibliotheca Judaica*, but I have not been able to locate a copy. An interesting account of Dohm's pro-Jewish services may be found in F. Reuss, *Christian Wilhelm Dohms "Ueber die bürgerliche Verbesserung der Juden."*

[129] A detailed summary of the booklet was printed in Frankel's *Monatsschrift*, 1869, vol. xviii, pp. 234 *et seq.*, 334 *et seq.*, 477 *et seq.*, 551 *et seq.*, and a sketch of Way is to be found in "The Jewish Encyclopedia." The *Monatsschrift* quotes, pp. 235-6, from Gronau's life of Dohm, Lemgo, 1824, 707 pp., as to his relations to the incident, and mentions the fact that Treschow, secretary of the

It is undeniable that this conference at the instance of Russia thus was induced affirmatively to urge international Jewish emancipation. Certainly not until latterly have we been regarding Russia as taking the lead in work of this nature.

Dr. Buchholz again appealed on this occasion for relief for the Lübeck Jews.[130] Michel Berr, the distinguished French-Jewish champion of emancipation, also published a stirring appeal on behalf of the Jews of Germany addressed to the Congress[131] and invoked aid on the subject from Johann von Müller. The Jews of Italy also contemplated petitioning for relief against their own persecutions.[132] The Rothschilds made personal appeals, apparently.

Way's memorial[133] is so badly edited that it has often been misdescribed, for instance, by Martens, who refers to it as a

London society, sent Dohm a detailed account of the Aix-la-Chapelle incident, apparently unpublished, and also, p. 564, an explicit denial by Way that he was actuated in the matter by any conversionist motives. See also *The Jewish Expositor*, 1819, p. 280; and Dubnow, "History of the Jews in Russia and Poland," Philadelphia, 1916, vol. i, pp. 397-9. A detailed sketch of Lewis Way is to be found in J. F. A. de le Roi, *Die evangelische Christenheit und die Juden*, Berlin, 1892, 2d edition, 1899, entitled *Geschichte der evangelischen Juden-Mission*, particularly vol. iii, pp. 19-37; see also, *Saat auf Hoffnung*, vol. xiii, p. 200 *et seq.;* vol. xiv, p. 126 *et seq.*, the former being an article by Franz Delitzsch, based largely on information procured from Way's daughter, Miss Drusilla Way, supplemented by letters from her in vol. xiv, and in turn translated and summarized in *The Everlasting Nation*, vol. i, pp. 145-151 (1889). Sir John Baring, president of the London Society, contributed one of several necrologies of him, published in the *Jewish Intelligencer*, vol. vi, pp. 75-7, 152-3 (1840). See also Ralph Harden, "Jane Parmenter's Will," Dublin, 1882; and Appendix B, *infra*, p. 116 *et seq.*

[130] Carlebach, *supra*, p. 96.

[131] Graetz, *supra*, p. 355, citing *Journal de France*, October 20, 1818, and *Sulamith*, vol. v, pt. 2, p. 275.

[132] Graetz, *supra*.

[133] Though the full *protocol* of the Aix-la-Chapelle Conference has not yet been published, Way's memorial is referred to in such

memorial by Dohm, *un ministre du Saint Evangile* (*sic*). Dohm's part should be carefully segregated from Way's, and the parts presented at the Conference to the Czar from the entire work, as printed the next year. The misleading title-page, referring to its submission to all the rulers at the Aix-la-Chapelle Congress, adds to the confusion. The work consists of "Principles"[134] to serve as a basis of a memoir, which Way seems to have presented to Czar Alexander I at Aix-la-Chapelle on October 5, 1818; "Remarks" on the subject (including a separate memorandum by Dohm),[135] dated Aix-la-Chapelle, November 12, 1818, also submitted at the Conference, and the more detailed *Mémoire sur L'État des Juifs, Addressé à S. M. l'Empereur de Toutes les Russies,*[136] signed by Lewis Way, dated Brussels, September 29, 1818, and described as presented to the Czar at Aix, October 5, 1818. This, in turn, was followed by Way's full *Plan d'une Mémoire,* dated Aix, September 30, (October 12) 1818,[137] and the extract from the *protocol* of the Conference, November 21, 1818, on the subject.[138] The general approval by the Conference of the sentiments expressed, makes it desirable to reprint here, in translated form, Way's "Principles," and Dohm's "Remarks."

PRINCIPLES To serve as a basis for a memorial on the actual state of the Israelites, and on the benefits that the Christians ought to grant to them.

PRESENTED To His Majesty, the Emperor of all the Russias at Aix-la-Chapelle, October 5, 1818.

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general historical works as Alfred Stern, *Geschichte Europas seit den Verträgen von 1815*, pp. 475, 476; "Memoirs of Prince Metternich," edited by his son, New York, 1881, vol. iii, p. 209, *infra*, p. 93; F. F. de Martens' important work, *Recueil des traités et conventions conclûs par la Russie*, vol. vii, p. 298.

[134] Pp. 5-9.

[135] Pp. 10-13; quoted *infra*, p. 88.

[136] Pp. 16-26.

[137] Pp. 27-78.

[138] P. 79; quoted *supra*, pp. 82, 83.

1. All civil and social rights ought to be accorded to the Israelites without any difference from those enjoyed by the Christians.

2. The governments ought to induce their priests, and especially the bishops, to preach to their fullest ability both by their example and their speech the widest charity toward the children of Israel.

3. The governments ought to encourage the establishment of arts and trades among the Israelites and, above all, to direct them toward agriculture; to reward those who make progress and to take into their employ those who are capable of usefully filling positions.

4. The governments ought to make regulations to enable the Jewish youth to participate in general education, to the same extent as the Christians, in the same colleges, gymnasiums, universities, etc.

5. To accomplish a project so conducive to the well-being of the Israelites, it is necessary to establish a central committee composed of enlightened Christian and Jewish members at Frankfort, Berlin and Warsaw, or in some other place.

The objects with which this committee would occupy itself would be:

1. To establish general correspondence regarding the Israelites in all parts of the world.

2. To encourage the publication of such works as will aim to put an end to prejudice, to uproot hatred, and to maintain a mutual spirit of good-will and harmony.

3. To examine different writings opposing the admission of Israelites to civil rights, which may appear, and to refute them.

4. Finally, this Committee would undertake to ascertain the best means of reforming and perfecting the civil, moral and religious state of the children of Israel, to spread and promote mutual education among them and the taste for the mechanical and liberal arts.

PRINCIPLES regarding the duties of the Israelites, if the sovereigns in their wisdom will consent to grant the fundamental ideas proposed:

1. The Israelites, in accepting civil rights in the various governments of Europe, ought to comply with the obligations which these changes impose on them.

2. They ought to contribute, as far as they are able, to the improvement of their habits and to give up customs (non-obligatory

or non-essential) which tend to isolate them in their secular relations from Christians.

3. They ought to renounce those of their laws which are opposed to the laws of the country they inhabit, so that these will not be a hindrance to their emancipation and finally they ought to assume all obligations common to other citizens.

4. The wealthy Israelites ought to make some pecuniary sacrifice in order to improve and perfect the education of their indigent coreligionists.

Primary schools should be established, where needed, in which the Jewish children could imbibe moral precepts and the elements of useful knowledge, so that each one could thereafter perfect himself in public schools, colleges, gymnasiums, etc., [according to article 4, *supra*, p. 86].

REMARKS.

1. The sacrifices made by the wealthy Jews and the efforts of the young Israelites to acquire an education would be paralyzed, if their merits and talents would not suffice to admit them to offices and enable them to follow arts and trades, or if the enjoyment of civil rights is not solemnly guaranteed by law.

2. As to the particular regulations of each State, the diet at Frankfort, at Warsaw, or other competent authorities could undertake to draw them up in conjunction with the respective princes or sovereigns, according to the bases and fundamental principles laid down by the principal Powers meeting together in Congress.

3. The rehabilitation of the Israelites ought not to be hurtful to society in general; on the contrary, unexpected advantages as much for the government as for the people might result from it.

4. If the general and immediate execution of such a regulation as to the admission to employments, and their complete fulfilment, would involve inconveniences, the questionable points could be postponed to a future time for execution.

5. Those principles which pertain only to the moral and social state of the Israelites will not aim at destroying their nationality and will leave them full power freely to follow their religion.

The principles set forth above were not drawn up solely in accordance with the convictions of the author of the memorial; they expressed, in several respects, the views of writers distinguished for their publications on this subject, among them Mgr. Grégoire, the late bishop of Blois; M. Bail, the former inspector,

author of a work entitled "The Jews of the Nineteenth Century"; M. Dohm, at one time secretary of foreign affairs to H. M. the King of Prussia.

The following, confirmed by forty years of experience, are the opinions of the last mentioned on the condition and improvement of the Jews as expressed in his own words under date of November 1, 1818:

> The question [the political reform of the Jews] appears to me to be entirely covered by the theory of correct political principles. It has been demonstrated in an incontestable manner, as much by my work as by many others that have followed it:
>
> 1. That the oppression under which the Jews have lived in almost all countries since the extinction of their own state is in contradiction to humanity, to the Christian religion and above all to the principles of political wisdom;
>
> 2. That the moral and political degradation of which the Jews are accused, is not the result of faults peculiar to this nation, but of the state of opposition, abjectness and misunderstanding in which they have been placed for many centuries;
>
> 3. That it is a necessary and absolute consequence from these facts that the Jewish nation cannot be relieved of this depravity in any other way than by the absolute cessation of the causes which produced it;
>
> 4. That the amelioration of the Jews will necessarily follow such manner of treatment, but this change can only be brought about slowly; the effect of centuries cannot be destroyed in a few years.
>
> DOHM.

The difference in the attitude of Dohm, who favored gradual emancipation, and the French statesmen, Prince Hardenberg and Humboldt, who insisted on immediate and complete emancipation, is dwelt upon elsewhere (pp. 35, 43, 53, 63, 73, 114, 115) in this paper.

As hereinbefore intimated, there was a close connection between the Frankfort Jewish grievance then pending before the *Bundestag,* and the action taken on Way's petition at Aix-la-Chapelle. While Way's memorial may have been the occasion for making some sort of a pronunciamento on the Jewish question at this Conference, it was not the sole cause for such action. This is clearly indicated by the large number of different representations made there on behalf of the Jews, and also by a letter from von Gentz, who became secretary of the Aix-la-Chapelle Conference, written from Frankfort, September 11, 1818, when on his way thither. In this he said:[139]

> Yesterday action was had [at the Diet] on the Frankfort Jewish matter. Plessen rendered a limited report which, on the

[139] *Briefe von Gentz an Pilat, supra,* vol. i, p. 316; see *supra,* p. 77.

whole, was not favorable to the Jews, whereupon it was decided to appoint a Commission of five [Austria, Prussia, Hanover, Württemberg and Mecklenburg] to endeavor to adjust the controversies between the two factions. The affair is as good as lost for the Jews. It has been badly handled. Various envoys were decidely of the opinion that, first of all, for the honor of the Congress [of Vienna] and Prince Metternich, the status of 1813 should be restored, and only thereafter one should concern oneself with legislation and the future. This very praiseworthy view, doubtless, might have served as a method of cutting the Gordian knot, and, perhaps, it might have been adopted, if—if all kinds of "ifs"—had not prevented. Certain it is that those who spoke most strongly against me in this line did not open their mouths at the session itself; that Berkheim alone insisted upon it, with direct reference to the well-known note of Prince Metternich, until at length Wangenheim made every one tremble by a ferocious address and cut off all opposition.

Again on August 15, 1819, Gentz referred to their having been occupied very much the preceding day at the Carlsbad Conference, of which he was also the Secretary, with the Frankfort Jewish matter, and that it was a very bad symptom,[140] and referred to anti-Semitic riots once more on August 20, 1819 during that Conference.[141]

In 1822 Gentz referred to receiving a letter from the Jews of Lübeck,[142] and it appears that their petition to the *Bundestag*

[140] *Ibid.*, p. 405.

[141] *Ibid.*, p. 408. The *protocol* of the Carlsbad Conference was published in Martens, *Nouveau Recueil Général, tome iv, supplemens*, 1846, pp. 8-177, and it appears therefrom that there was no official session the day before Gentz wrote his letter of the 15th, so it would seem that the subject was considered only semi-officially. This is confirmed by Gentz's diary which shows that on Saturday, August 14, 1819, Gentz had numerous conferences with Plessen, who was particularly active in the Frankfort Jewish matter, and with Bernstorff, Berstett, etc., *ibid.*, p. 346. During the preceding month he had several conferences with the elder and the younger Lämel, Herz, etc., *ibid.*, pp. 338, 340, 342. See *ibid.*, pp. 349, 353, 355, 367, 371, 373, 374, 377, 378, 379, 395, 397, 398, 399, 400.

[142] *Ibid.*, p. 355.

was never even acted upon.[143] At the thirty-third session of the Vienna Ministerial Conference of 1820 a resolution by Prince Metternich, referring the Jewish question to the *Bundestag* was adopted. It provided that the various statutes concerning the civil improvement of the Jews in the different states of the German Confederation should be collected, and made the basis of a new treatment of the subject by a commission to be appointed for the purpose by the *Bundestag*. Metternich's alternative suggestion for immediate action was opposed by some present. The Commission was in fact appointed but never reported. Jacob Oppenheimer and Bresselau, of Hamburg, had appeared to urge action in favor of the Jews.[144] Buchholz appeared before the Diet also on behalf of the Jewish communities in question.[145]

Moreover, there was a further pressing reason for action on Jewish disabilities at the Aix-la-Chapelle Conference in 1818. A restrictive measure, which Napoleon had enacted in 1808,—to continue in force for ten years only, on his assumption that such a ten years' term was necessary to enable the Jews to conform to the conclusions of his *Sanhedrin* to become good citizens of the country of their domicile, and to cease to be an alien nation,—expired March 17, 1818, by its own limitation. In France, by an almost unanimous vote, it was resolved to let this restrictive act thus terminate.[146] In several German territories which were surrendered by France by the Treaty of Vienna to German potentates, on the other hand, these oppressive laws, in whole or in part, were expressly continued in force, by new edicts in 1818,[147] so that such new legislative *fiats,*

[143] Ilse, *supra*, p. 406.

[144] Ilse, *ibid.;* Jost, *supra*, vol. i, p. 406; Haarbleicher, *Aus der Geschichte der deutsch-isr. Gemeinde in Hamburg*, 2d edition, 1886, pp. 141, 142; see p. 122.

[145] *Ibid.*

[146] Graetz, *supra*, vol. xi, pp. 303, 351-2; Jost, *supra*, pp. 108-9.

[147] *Ibid.*

contrary to the spirit of the Treaty of Vienna, aroused wide comment and demanded further remedial action.

Light is thrown on the reference in the *protocol* of the Conference at Aix-la-Chapelle to the readiness of Austria and Prussia (Metternich and Hardenberg) "to furnish all possible information concerning the matter" by the discovery among Metternich's papers, published in 1881, long after his death, of a report, "On the Question of the Jews," indicating that it was prepared in connection with the consideration of Way's memorial, and that the Jews of Vienna simultaneously presented a similar petition.[148]

[148] Probably the following entries from von Gentz's diary throw light on this Vienna memorial, and related ones, *Tagebücher.* (Vol. ii, p. 178.) November 6, 1817: Worked on an important memorial on behalf of the Jews of Austria. November 9, ditto and November 10: finished same; November 19: Visit from Moritz Bethmann of Frankfort (who held some of the bonds given by the Frankfort Jews to Archduke Karl von Dalberg, in payment for their grant of civil rights. Von Bethmann was closely in touch also with von Gentz during this period, and Russian Consul-General at Frankfort, Alexander I having sojourned with him in 1813 during a visit to that city. His firm was one of the most prominent banking-houses of the day, and for years, too, von Wessenberg had been intimate with him. He doubtless purchased some of these bonds out of sympathy with the Jewish cause, and aided in organizing the *Philanthropin* Jewish school of Frankfort, avowedly in order to arouse interest in such an undertaking among the Christians of the city. See his biography in *Allgemeine Deutsche Biographie*, vol. ii, pp. 574-6. Immediately after the Congress of Vienna, he was active in the efforts to induce Metternich and Hardenberg to take up strong ground in the Frankfort Jewish matter, and, in this connection, possibly exerted his influence with other Powers, in addition, Schwemer, *supra*, vol. i, p. 399.) January 10, 1819, Gentz had conferences with Joelson and Lämel, and on the 13th Schlegel and Buchholz dined with him. On December 10, 1819, Salomon and Karl Rothschild from Frankfort called on him, and the next evening Baruch. December 13, Senator Smidt of Bremen conferred with him and on December 27, he

It is probable that Prince Hardenberg had a similar memorial regarding the Jews in Prussia prepared, but no trace of it has been found.[149] Alfred Stern's *Geschichte Europas seit den Verträgen von 1815*[150] describes the incident of the Conference

made an entry of work on the Frankfort Jewish matter with Baruch. March 14, 1821, he reported that Rothschild was with him, much excited, but he succeeded in reassuring him. (P. 397.) June 2: Visit from Buchholz. October 21 contained an entry of a conference with Baruch about the Frankfort Israelites. (P. 470.) On January 5, 1822, he dined at Eskeles' house with Hardenberg and others, and again on March 16, when Rothschild and Hardenberg were present. (Vol. iii, p. 2.) "May 1, 1822: Rothschild and Baruch excite me with an account of the deplorable Frankfort Jewish matter." On the 9th he prepared despatches on the subject, and on the 26th instructions for Count Buol. On May 31, Rothschild and Baruch conferred with him at breakfast, regarding the Frankfort Jewish matter. April 18, 1824, he read the latest Frankfort-Jewish reports, and the next day Rothschild conferred with him. On September 2, 1824, he received letters from Munich regarding the unexpectedly satisfactory settlement of the Frankfort Jewish matter, and five days later read a *protocol* of the Diet session on the subject. On November 23, 1825, he conferred with Baron Rothschild regarding Roman Jewish affairs, and again, December 2. (Vol. iv, pp. 117, 120.) Gentz wrote a brief history of the Rothschild family, which was published in 1826. See *Schriften von Gentz*, edited by Schlesier, vol. v, pp. 113-23, and his *Briefwechsel mit Müller*, vol. i, pp. 267-8. He wrote a long series of letters for the information of the Rothschilds during a term of years, October, 1828–December, 1831, on current political events, with Metternich's approval, receiving political advices from them also from time to time. *Aus dem Nachlass Friedrichs von Gentz*, Vienna, 1867, vol. i, pp. 9-10, 124-241, and note.

[149] Wolf, *Geschichte der Juden in Wien*, pp. 109-11, states that Metternich had prepared a memorandum concerning the anti-Semitic "Hep-Hep" agitation of 1819 for the Emperor Francis I. It could not be found in the secret archives and probably was a later document than that drawn up for the Conference of Aix-la-Chapelle.

[150] Vol. i, pp. 475-6.

at Aix-la-Chapelle in the following passage which is supplemented by bibliographical notes:

An evangelical clergyman, Dr. Way, through the Russian envoys, brought a memorial to the attention of the Congress of Aix-la-Chapelle, in which he besought the Powers to grant to the Jews full equality of rights and to facilitate their practice of trades and agriculture, while the Jews were to abandon unethical practices and usury . . . . A laudatory reference was made in the *protocol* . . . . This sounded very noble, without having further consequences.

Unfortunately, the Jews of Austria did not experience in practice as liberal a system of Jewish rights as was outlined in the Metternich report, although there was a tendency on Metternich's part to reach such a condition, and his approval of the toleration edict of Joseph II is interesting, as it was still opposed in many sections of Austria. The report reads:

ON THE QUESTION OF THE JEWS.*

307. The Edict of the Emperor Joseph is in full force in all the German States of Austria. The Hungarian Constitution is opposed to one part of its execution, but this fact is independent of the wishes of the King.

Schools for Jewish girls exist everywhere. Where the community is not large, the children of both sexes frequent the Christian schools; every Jew is at liberty to educate his children in Christian educational establishments.

Jews can, under certain restrictions, and in countries where the constitutions do not directly oppose it, become landed proprietors.

* The occasion of this judgment seems to have been the appearance of a "Mémoire sur l'état des Israélites, par un Ministre du Saint Evangile," which was dedicated and presented to the monarchs assembled at the Congress of Aix-la-Chapelle. Besides which, the representatives of the Jews in Vienna presented a petition to their Majesties, imploring an inquiry to be made into the state of the law in respect to the civic rights of members of the Israelitish faith.—ED.[151]

[151] "Memoirs of Prince Metternich," New York, 1881, vol. iii, pp. 209-10, edited by his son, Prince Richard Metternich, and translated by Mrs. Alexander Napier.

They are subject to the military conscription, like the Christians. All grades of the service are open to them: there are staff-officers at this day who are Jews.

Distinctions of every kind—except those which require the formula of a Christian oath, such as the orders of knighthood—are given to them. Men remarkable for their civil virtues and honourable estate have acquired titles of nobility, which place them in the same rank as Christian noblemen.

They may adopt any profession they like; if there are very few in the Civil Service, it is because they do not choose that career, or, rather, that those who do aspire to it enter the bosom of the Church.

Nevertheless, in many places it has been necessary to take measures of precaution in carrying out the edict of the Emperor Joseph, even after it has been in force many years, because of the abuse by Jews of the concessions granted them. Devoted to business, from father to son, assisting each other with large capitals, they prefer to gain by either lawful or unlawful trade what would cost both care and trouble to attain by other means.

The laws of the Emperor Joseph have, however, been of real benefit; the most satisfactory example that could be cited in support of this truth is the difference between the Jews of Galicia and those of ancient Poland.

One of the great difficulties in devising any measure relating to the position of the Jews arises from their number. Any hasty reform bears heavily on an immense mass of men whom nothing can persuade to renounce old customs or adopt new ones.

APPENDIX A.

Wilhelm von Humboldt on the Principles of Jewish Emancipatory Legislation and His Relations to the Jews.

I.

WILHELM von HUMBOLDT'S RELATIONS TO THE JEWS.

It is obvious that the connection between the following remarkable paper, prepared by Wilhelm von Humboldt in 1809, and the action on Jewish rights at the Congress of Vienna was not remote. Humboldt was, at the period of the Congress, probably Prince Hardenberg's closest, most valued and important adviser, to say nothing of his own high standing politically, and there seems little doubt that the emphasis Humboldt placed in 1809 upon Jewish emancipation uniformly throughout Germany, is reflected in Prussia's course at the Congress, and in many of the arguments in the above-quoted state-papers of Prince Hardenberg. In the light of Humboldt's report these have a familiar ring to them. His scheme of emancipation was even much more thorough and complete than Dohm's, and particularly striking and profound are his arguments in favor of complete and immediate, as opposed to a gradual, emancipation. (See, especially, *infra*, pp. 104-7, 114, 115.)

On the other hand, Humboldt's plans for promoting the Germanization of the then largely alien Jews of his fatherland—and thus abolishing the extra-legal bases of anti-Semitic prejudice—are still of importance to-day. It is obvious that such a paper reveals a thorough acquaintanceship with the Jews of his day, then largely governed in their civil, as well as religious, life by their own special laws, and is another striking proof of the axiom that knowledge of the facts is the strongest enemy of anti-Semitic prejudice. One cannot conclude that he was as familiar with Judaism as with Jews, however. To supplement this paper, therefore, a concise, even though necessarily incomplete, account of Wilhelm von Humboldt's relations to the Jews, especially before 1815, may be of service. Strangely enough, no comprehensive treatment of this subject has apparently as yet appeared, nor is there any article devoted to him in "The Jewish Encyclopedia," unlike Buchholz,

Dohm, Lessing, Mirabeau, Zola, etc., although a Jewish essayist, Dr. Adolph Kohut, selected Wilhelm's brother Alexander (for this purpose less important) as the subject of a booklet, *Alexander von Humboldt und das Judenthum.*[1] This is probably due to the fact that the most important incidents along these lines in Wilhelm von Humboldt's career came to light only within the past few decades, though there is now ample proof at hand to justify his own characterization, in his private letter to his wife of June 4, 1815, cited above, p. 65, that "Alexander and I were regarded, even when we were children, as bulwarks of Judaism." The statement as to the comparative Jewish neglect of Wilhelm von Humboldt's memory should be qualified, however, by a reference to some articles concerning him published during the past few years by Ludwig Geiger,[2] but these are, in effect, merely excerpts of literary interest from certain recently published volumes of the correspondence between Humboldt and his wife; and the fourth, the most important of that series, seems to have been overlooked.

Born in 1767, two years before his more famous brother Alexander, Wilhelm von Humboldt's fame has until recently been regarded as probably resting more upon his work as "philologist and man of letters," than as statesman, in which latter capacity he was prominent from about 1802 on, when he became Prussian Ambassador at Rome, until he retired from political life in 1819 on account of the reactionary policy of the Prussian government, to which even his leader, Prince Hardenberg, then yielded. In the meantime he was one of Prussia's representatives at the Congresses of Prague, Vienna, and Paris, was Ambassador at Vienna, Paris and London, served as Minister of Public Instruction and Councillor of State, and was looked upon by many for some time as the probable successor of Prince Hardenberg as Prussian Chancellor. He was a leader in the war against Napoleon, and a consistent exponent of German union and of liberal government. With his literary career, important as it was, we have here no concern.

The private teachers of the Humboldt brothers belonged to the Lessing-Mendelssohn-Nicolai circles, and at a very early day interested their pupils in their liberal and intellectual activities, and brought them into close touch with prominent Jews of the time. Henrietta Herz, in her reminiscences[3] refers to their teacher

[1] Leipzig, 1871.
[2] *Allgemeine Zeitung des Judentums*, vol. lxix, p. 620; *ibid.*, vol. lxxvi, pp. 69, 593; *ibid.*, vol. lxxvii p. 228.
[3] Landsberg, *supra*, p. 152.

Kunth[4] as introducing the two brothers to her husband, or more accurately, into her own brilliant *salon*, when they were only about sixteen or seventeen, and Wilhelm, as well as Alexander, soon became a devoted admirer of the beautiful and intellectual Henrietta, as well as of her scholarly, much older husband, Markus Herz, who was for some time the most esteemed physician of Berlin, and whose scientific lectures the Humboldts, together with young Prussian princes, attended. The talented young brothers joined her "reading circle," to which Dohm, among other brilliant intellects of the day, belonged, and which Moses Mendelssohn himself occasionally attended; Wilhelm also heard lectures under the famous Dohm in 1785. Both of the Humboldts induced Henrietta Herz to teach them to write Judæo-German, and a number of letters written to the fair teacher by her devoted admirer, Wilhelm von Humboldt, many of them in Judæo-German characters and all showing the nobility and purity of their relations, were collected and published from Varnhagen's literary remains after his death.[5]

Henrietta Herz also taught Humboldt Italian, and there are hundreds of references to her in his correspondence with his wife, one, mentioning his old-time devotion, being given, *infra*, p. 101. About 1787, Henrietta Herz organized the so-called *Tugendbund*, an association of fine young spirits, whose purpose was social and intellectual culture, the promotion of love of one's fellow men, and the development of a deeper knowledge of humanity, which young Wilhelm von Humboldt promptly joined. To this also belonged Dorothea Mendelssohn, the brilliant daughter of the great philosopher, who became Dorothea Veit and thereafter the wife of Wilhelm von Schlegel, and her sister, Henrietta Mendelssohn, as well as the intellectual Caroline von Dacheröden, who first became acquainted with her future husband, Wilhelm von Humboldt, through this organization.[6]

[4] See Friedrich and Paul Goldschmidt, *Das Leben Staatrath Kunths*, 2d edition, Berlin, 1888.

[5] *Aus dem Nachlass Varnhagens von Ense. Briefe von Chamisso, supra*, vol. i, pp. 1-134, containing Humboldt's letters to Henrietta Herz. Some were reprinted by Landsberg, *supra*, pp. 161-208.

[6] Her correspondence with Rahel, among others, was recently published under the title, *Briefwechsel zwischen Karoline von Humboldt, Rahel und Varnhagen*, edited by A. Leitzmann (1896), and contains much of Jewish interest. The first volume of *Wilhelm und Karoline von Humboldt in ihren Briefen*, edited by Anna von Sydow, one of their descendants, Berlin, 1906, contains a mass of contemporary letters dealing with this *Tugendbund*, and the editor says of it (pp. xvii-xviii): "The members unreservedly laid bare to one another their innermost thoughts and analyzed their finest sensibilities, often long before they met face to face. The familiar thou (*du*) united all the members; a secret code of communication was invented;

It is obvious that all the members of this group were intimates, and that such close ties of friendship were bound to last through life.

Rudolph Haym, the distinguished publicist, edited a collection of Humboldt letters [7] chiefly dealing with educational matters, but the work contains, in an appendix, letters on philosophical subjects, written by Wilhelm von Humboldt to a Jewish intimate, his college friend Beer, who had been a lodger at the Herz household in Berlin, and became subsequently a physician at Glogau. A number of these letters to Beer were also written in Judæo-German characters, and their author says [8] that he wrote a particular letter in German, because he was pressed for time, but this would not make any difference to his correspondent. The letters contain numerous references to the Herz family, to David Friedländer and his family, and to Moses Mendelssohn and his daughter Dorothea, and Humboldt wrote to Beer in December, 1787, from Frankfort, where he was attending the University:

> I cannot yet forget Berlin. If I only had a friend here like you, my dear, best friend.[9]

And again

> I must remain here in Frankfort, while you can live in Berlin, in the best house, among the noblest people.[10]

More interesting is Haym's comment about one of Humboldt's letters, dealing with Moses Mendelssohn's philosophy: [11]

> Mendelssohn is meant, in his [Humboldt's] introduction, many years later, to the translations from Xenophon and Plato of passages about God, pre-ordination and immortality (now *Gesammelte Werke*, vol. iii, p. 103), in his praise of "a man in whom Germany for a long time honored not merely one of her most acute philosophers, but also one of her finest writers, one to whom I owe my culture in the greatest measure, as I am proud to acknowledge."

Haym added that Mendelssohn had held philosophical-religious lectures for his oldest son Joseph in Berlin, published in 1785

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rules were established; and a deep secrecy lent to the organization the charm of a special importance." Fürst's *Henriette Herz* contains an interesting chapter of her reminiscences under the title, *Ein Tugendbund—Wilhelm von Humboldt* (pp. 156-163). Many of Humboldt's letters to Caroline von Wolzogen, subsequently famous and another member of this organization, which throw light upon it, were published in 1891 in the *Deutsche Rundschau* (vol. lxvi, pp. 228-291) by Paul Schwenke as *Aus Wilhelm von Humboldt's Studienjahren.*

[7] *Briefe von Wilhelm von Humboldt an Georg H. L. Nicolovius*, Berlin 1894.

[8] *Supra*, p. 93.

[9] *Supra*, p. 103.

[10] *Supra*, p. 107.

[11] *Supra*, pp. 114-15.

under the title *Morgenstunden*, which the brothers Humboldt are supposed to have attended.[12] Wilhelm von Humboldt carefully studied Mendelssohn's writings, as these letters show, and they offered to him and his friends rich material for verbal and written discussions.

In the leading biography of Alexander von Humboldt, edited by Bruhns [13] in a section written by Julius Löwenberg, it is said: [14]

It is probable, from the interest that Moses Mendelssohn is known to have taken in the studies of Wilhelm von Humboldt, that there may be some truth in the tradition that he used to spend "morning hours" in walking about the garden in company with the two brothers, and, while engaged in friendly intercourse, discoursing to them valuable lessons in philanthropy and philosophy. Ample proof, however, exists that intercourse of a similar instructive character was maintained between the Humboldts and David Friedländer, since several letters are still extant that were addressed to him by the two brothers.[15] At his death on December 25, 1834, his eldest son, Benoni Friedländer received the following expressions of condolence from Wilhelm von Humboldt:

"TEGEL, January 2, 1835.

"If his life, as you remark, has been a happy one, it has also been one of usefulness and honor, for by his worth and talents he has won for himself a position in which he will never cease to be remembered. It is a great gratification to me to learn that during the illness of our deceased friend, my brother and I had often been in his thoughts, and it can never be forgotten by either of us how diligently he laboured for our improvement. From the kind interest which he manifested toward us from the first, he kept us always in a pleased and eager mood, while his quick intelligence, the almost uninterrupted cheerfulness of his disposition and his constant incitement to some useful occupation, either mental or physical, rendered our studies both interesting and attractive. He early directed our minds to correct views on several important points connected with life and society—views, however, which at that time were by no means universally received."

Another tutor to the two Humboldts is referred to by Kunth, under the name of Meyer; probably this was the mathematician Meyer Hirsch, whose books on algebra and geometry are still in use as educational works and who at that time was eugaged in the tuition of some young princes of the court.

Alexander von Humboldt wrote an interesting letter on November 12, 1855, to Rabbi Marco Mortara, of Mantua, regarding this Mendelssohn influence,[16] as follows:

"As I had the honor from my earliest youth to be associated in Germany with distinguished men among your coreligionists who were interested in

[12] Kayserling's *Moses Mendelssohn*, pp. 422, 426; Löwenberg in Bruhns, *Leben von Alexander von Humboldt*, vol. i, p. 29. It is interesting to notice that Gentz came to Berlin as a nineteen-year-old youth, bearing a warm letter of recommendation, dated August 16, 1783, from the philosopher Kant to Moses Mendelssohn, and it is not unlikely that it was through Jewish influences that Gentz secured an entry into intellectual and influential Berlin circles. He was also warm in praise of Moses Mendelssohn. See *Briefe von und an Friedrich von Gentz*, edited by Fr. C. Wittichen, I. *Briefe an Elisabeth Graun, Garve, Bötticher*, Munich and Berlin, 1909, pp. 76, 139, and 141, citing Kant's *Briefe*, vol. i, p. 188.

[13] English translation, London, 1873.

[14] Vol. i, pp. 22-24.

[15] See transcripts in Kohut's *Alexander von Humboldt und das Judenthum.*

[16] See Adolph Kohut's book, pp. 65, 66.

philosophy and mathematics, and inasmuch as one of our greatest and oldest writers, Lessing's friend, Moses Mendelssohn, exerted an influence upon the education which I and my brother enjoyed in the antediluvian period, I notice with very great pleasure how the love of science and serious study in various fields is being developed among the Jews, despite the obstacles which the sad legacy of bygone centuries and the religious intolerance of the Middle Ages, interposes."

In fact, Moses Mendelssohn exerted a profound influence upon the intellectual worlds of Germany and France in that day, some of it more indirectly through his friends, Lessing and Nicolai.

In Bruhn's work [17] Henrietta Herz is described as having been the most noted beauty in Berlin, while her intellectual gifts were also emphasized. It is there said that the phrase: "Whoever has not seen the *Gendarmenplatz* and Madame Herz, has not seen Berlin," was a current saying of the day. She pointed out in her reminiscences, that it was chiefly due to the Protestant Humboldt that the Pope fared as well as he did at the Congress of Vienna.[18]

Among other intimates of Humboldt were Rahel Varnhagen, and David Veit, another of Rahel's diligent correspondents,[19] as was also Ludwig Boerne. Throughout his life Humboldt was on intimate terms with the members of the Mendelssohn family, particularly Dorothea Schlegel, and well acquainted with her sons, the artists Veit, and with the Arnstein and the Eskeles family, of Vienna, and the Bartholdy family.

Humboldt's correspondence with his wife is replete with references to these persons, among other Jews, and we also find about 1834 an interesting characterization from his pen of Rahel Levin Varnhagen von Ense.[20]

Under date of August 14, 1814, from Vienna, Humboldt characterized Dorothea Schlegel, as follows: [21]

I was a very long time at [Dorothea] Schlegel's and had a most interesting conversation with her. She has always had an undeniably great, and now a more delicate, intellect (*Geist*), and whatever is bound up with it; she is also more profound now, whereas she was formerly dry and reticent. We spoke mostly about her husband and his projects, but went from this to more general topics.

Particularly interesting is a passage in a letter which Humboldt wrote to his wife from Chatillon, March 2, 1814, near the end of

[17] Vol. i, p. 41.

[18] Fürst's *Henriette Herz,* pp. 160-2; compare Mejer's *Zur Geschichte der römisch-deutschen Frage,* three volumes, 1885, especially vol. i. pp. 446-491 as to the Congress of Vienna in its relations to the Catholic Church.

[19] See *Briefwechsel zwischen Rahel und David Veit,* two volumes, Leipzig, 1861.

[20] *Briefe von Wilhelm von Humboldt an eine Freundin,* containing an introduction by Ludwig Geiger, *Deutsche Hand- und Haus-Bibliotek—Collection Spemann,* vols. lx, lxxi, part II, p. 176 *et seq.;* letters No. 149 (December 3, 1834), 150 (December, 1834-February, 1835).

[21] See Sydow, *supra,* vol. iv, p. 376.

which he refers to his old-time admiration for the distinguished *salon* leader, Henrietta Herz:

> My chief reading, in addition to the classics, is Bossuet; that you can relate to Gentz, who will be edified over it. I derived from him reinforcement for my old and earliest ideas about the Jews. I also accomplished something at Chatillon for the Jews, whom I always aid. I read an edict in our newspapers, providing that in case of dissection of corpses in legal proceedings, a Jew's services should never be secured, but only a Christian physician's. This discrimination made me indignant; accordingly, I wrote to Kircheisen, the Minister of Justice, that he should abolish such a measure, based on prejudice, by enacting a new law, and I hope he will follow my suggestion. They are the last embers of my devotion (*Pietät*) toward [Henrietta] Herz. However, she has herself almost become a Christian. All are deserting the ancient gods.[22]

Among intimate acquaintances of Wilhelm and Karoline von Humboldt was Dr. David Ferdinand Koreff, who became a distinguished Prussian physician soon after Markus Herz's time, acquired important political influence with Humboldt, Hardenberg and even royalty itself, and was also a litterateur. Speaking of the circumstance that Karoline von Humboldt and her daughters arranged to make room to enable Dr. Koreff, their physician, to lodge in a house in Berlin, in which they were sojourning, Varnhagen wrote to his wife on June 26, 1815:

> It affords me further satisfaction that Koreff is a Jew, because they are so hostile to all the Jews.[23]

Of course, Wilhelm von Humboldt's chief services to the Jews have already been noted in our paper, comprising mainly his report

[22] *Wilhelm und Karoline von Humboldt in ihren Briefen, supra,* vol. iv, p. 260. It must be conceded that Jean-Paul's famous *bon mot* regarding several of the Jewish *salon* leaders of this period, that there was so little of the Old Testament about them that they all married into the New, was substantially correct. While Henrietta Herz did not marry out of the Jewish faith, she, too, became a convert to Christianity in 1817, soon after her mother's death. Some years later, in her reminiscences, she wrote a striking explanation of the indifference of her generation to Judaism, blaming it upon the poor educational methods, especially for girls, in vogue among the Jews. These failed to interest them in their faith. The trend toward Christianity on their part was ascribed by her to the continuance of out-grown forms and unintelligent Hebrew instruction. Landsberg, *supra,* pp. 107-109.

[23] Briefwechsel zwischen Varnhagen und Rahel, Leipzig, 1875, vol. iv, p. 155; see regarding Koreff, *ibid.,* p. 180, and Varnhagen's *Biographische Porträts. Nebst Briefen von Koreff,* etc., Leipzig, 1871; *Briefe von Stägemann, Metternich, Heine und Bettina von Arnim. Aus dem Nachlass Varnhagens,* Leipzig, 1865, pp. 22-23, 64; *Briefwechsel zwischen Karoline von Humboldt, Rahel,* etc.; Landsberg, *supra;* Berdrow's *Rahel Varnhagen;* J. E. Hitzig's *Leben und Briefe von Adelbert von Chamisso,* constituting vols. v. vi of his edition of Chamisso's *Werke,* 2d edition, Leipzig, 1842; Ludwig Geiger's *Aus Chamisso's Frühzeit,* Berlin, 1905; *Briefwechsel zwischen Jacob und Wilhelm Grimm: aus der Jugendzeit,* edited by Hermann Grimm and G. Henrichs, Weimar, 1881); *Euphorion,* vol. xvi, p. 664. It is not unlikely that he was related to the Solomon Koreff of Prague who figures in an article under that title in "The Jewish Encyclopedia."

of 1809 on Jewish emancipation and his activities on their behalf at the Congress of Vienna. The report on Jewish emancipation is discussed in Gebhardt's *Wilhelm von Humboldt als Staatsmann*,[24] but, as that writer seems to have been unfamiliar with the subsequently published literature regarding Humboldt's activities at the Congress of Vienna, and this evidence of Prince Hardenberg's absorption of Humboldt's views, its importance was unduly minimized.

As hereinbefore indicated, the arguments in this report in favor of an immediate and complete Jewish emancipation are in striking contrast even to Dohm's famous plea, and it is, in fact, a political classic. The accidental circumstances that no Prussian edict was issued on this subject until three years later, that meanwhile different drafts were prepared by others,[25] and that Humboldt ceased to remain in the ministry are of little significance; no other Prussian statesman of the day who studied the question had the standing Humboldt then enjoyed, nor his influence with Prince Hardenberg, and we find Hardenberg immersed in Humboldt's reasoning by 1814-1815. Unfortunately, Humboldt was ahead of his time, and the edict of 1812 by no means measured up to the principles he had laid down.[26]

As regards the Congress of Vienna, his statement as communicated to his wife in the letter of June 4, 1815, cited above, that if it had not been for his devotion and perseverance to the subject, the efforts made there on behalf of the Jews would have failed, is doubtless accurate, and it is sustained by Smidt's contemporary reports, though undoubtedly, other great statesmen of the day also championed this cause, no less disinterestedly than he. It may well be that, if he had remained in active political life, the reactionary forces would have been unable to check Jewish emancipation in Germany so long and so sweepingly.[27]

[24] 1896; vol. i, p. 21, vol. ii, pp. 310-22.

[25] Collated in Freund, *Die Emanzipation der Juden in Preussen*, Berlin, 1912, vol. ii, p. 291 *et seq.*

[26] For a detailed treatment of the edict of 1812 see Freund, *supra;* and an interesting chapter on its history is contained in Alfred Stern, *Abhandlungen und Aktenstücke zur Geschichte der preussischen Reformzeit*, Leipzig, 1885, pp. 225-62; see also, my paper, "Jewish Emancipation a Century Ago and To-day," in *The Reform Advocate*, December, 1917.

[27] An illustration in point of measures which he would have opposed, occurred during his London ambassadorship, and is referred to by von Stägemann in a letter to Rahel, dated February 1, 1816 (*Briefe von Stägemann, Metternich, Heine und Bettina von Arnim*, Leipzig, 1865, p. 30): "The King wishes to convert the Jews willy-nilly to Judaism. He has forbidden all Jewish services in the German language in the private houses

As shown in our paper, Humboldt and Gentz, at least, labored zealously to secure action on behalf of the Jews at the German Diet which met in 1816 at Frankfort, pursuant to the provisions of Article XVI of the German Constitution, adopted at Vienna.

II.

REGARDING THE DRAFT OF A NEW SYSTEM OF LEGISLATION FOR THE JEWS, JULY 17, 1809, BY WILHELM VON HUMBOLDT.[1]

The present condition of the Jews among us—the improvement of which is the important problem of every system of legislation concerning this people—rests upon causes and is connected with circumstances making it impossible for any single state to deal with them effectively and radically. Three characteristics distinguish the Jews from all other people of antiquity, particularly in their relations to each other:

(a) Leading originally a nomadic life, they often migrated subsequently, from necessity frequently, at times voluntarily, and they were not infrequently subjected to foreign rule.

(b) An ecclesiastical-political organization, in which religion (in ts pure conception) often became almost a nullity.

(c) A system which imposed an external mark of distinction upon the male sex (by reason of which the religious organization may be characterized as political), that separates them even from those among whom they live.

These three characteristics, merged together, have made of the Jews what they still are among us. Possessing the resulting national character, which enabled them to take a leading part in all great events of the world, and yet one which itself defies complete analysis, it chiefly manifests itself in the Jew in a stubborn attachment to primitive custom and in a remarkable power of passive resistance. This national character—linked together, however, to Christian ideas, by reason of which Judaism and Christianity in one aspect belong in one class, while in another, they are to be regarded as diametrically opposed to each other—gave to the comparatively unimportant Jewish race, even in antiquity, an entirely disproportionate importance. Their condition is, accordingly, an ecclesiastical—world-historical phenomenon, a phenomenon so remarkable that intellects certainly not mean have repeatedly wondered if they can be accounted for in a merely human way.

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of prayer. They should attend the services and hear Hebrew spoken there, because they are not better than the Catholics, who must listen to their masses in Hebrew, to-wit, Latin."

[1] This is taken from *Wilhelm von Humboldt's Gesammelte Schriften,* issued by the Royal Prussian Academy of Sciences, Berlin, 1903, vol. x, pp. 97-115, this volume bearing a subtitle: *Politische Denkschriften,* part I, 1802-1810, edited by Bruno Gebhardt. This draft was particularly suggested by Minister von Schrötter's proposed legislation of 1808, designed "to make the Jews useful citizens in time." After Schrötter's withdrawal from office, Dohna submitted this draft of a new law to the various leading Prussian officials for their views. Many Jews had immigrated to Prussia from adjacent German states during the Napoleonic Wars, which fact accounts for some of the restrictive provisions contained in the bill. Humboldt's colleagues in the section for religion and public instruction rendered concurring opinions a few weeks later; see Freund, *supra,* vol. ii, pp. 269-91.

The means to bring about a change in this condition, as will readily be seen, are to be considered with respect to the above three chief causes. These means are:

1. Assimilation;
2. Destruction of their hierarchical mould;
3. Regulation of their place of abode.

However, as long as these measures are attempted only in a single state, assimilation will never become potent enough; and in regard to religious ideas, the contrast between Jew and Christian will necessarily continue, until the notion that Christianity is the very opposite of Judaism is universally dissipated.

Accordingly, here there are difficulties which no legislative system, least of all a single one, can wholly overcome.

It must be plain and undeniable, however, that every scheme of legislation regarding the Jews surpasses every other one to the extent that it makes segregation unnoticeable and assimilation more thorough.

However, here again two systems are to be differentiated, one of which seeks to abolish segregation at once, and the other only gradually.

Considered by itself alone, and I might say from the purely logical point of view, it can scarcely be denied that only a sudden grant of equal and full rights, is just, politic, and consistent.

Just: because no possible legal principle can be thought of, why the Jew, who desires to assume all the duties of the Christian, should not also participate in all his rights. It would, therefore, have to be first demonstrated that in some particular country the Jews entered it under an agreement for the continuance of only partial concessions, and not merely that Jews, already found there, were tolerated with merely such limited rights. Even then the political question would become all the more important: Should we tolerate the presence of aliens possessing only such limited rights in a state?

Politic: for a leap is necessary, an immediate declaration is requisite to obtain public esteem, necessary even for their moral welfare, for persons who are despised, not on their own account or because of their individual conduct, but on account of prejudice, and because they are made to suffer for the shortcomings of their brethren, as though they belonged to a caste. No matter how many well-behaved Jews the public may see, it will not on that account change its opinion concerning the Jews *per se,* but will always regard the individual cases as exceptions. Not that the State should exactly teach esteem for the Jews,[2] but the inhuman and prejudiced manner of thinking which judges a man, not in accordance with his actual characteristics, but according to his descent and religion, and considers him, not as an individual, but as one belonging to a race, and necessarily sharing alleged common attributes of the race, should be abandoned. But this the state can only accomplish by declaring distinctly and unequivocally that it will no longer recognize any distinctions betweeen Jews and Christians. Finally,

Consistent: for a gradual emancipation merely emphasizes the segregation which it desires to abolish, in all matters that are not repealed, and doubles the same, precisely because the new and greater freedom attracts attention toward the disabilities still continuing, and therefore works toward defeating it own aim.

However, the whole basis of the system of gradual emancipation is, in my opinion, grounded upon a theory of legislation which, though at one

[2] In the original draft, the following passages also appeared: "But the state should teach—not for the sake of the Jews, but because of Christian ethics—that it should never be admissible to speak and say of any human being, whom God has endowed with reason, heart and freedom of will, as it would of animals, possessing mere instinct: the Jews have this and that radical fault, are fraudulent, degraded, etc. But this is what it does, when it makes public declarations."

time accepted, has long since been properly abandoned. It is in fact one which regards legislation as a method of educating the citizen; where it has the means at hand, it strives towards positive results, and, starting from a definite conception of the character and culture of the nation, deems itself capable of leading its subjects toward progress and even toward another stage of development.

However, it seems to me, as the State is to raise itself only through the bestowal and limitation of rights, and thereby to set in resulting proper balance the rights of the citizens, it can merely strive, in negative fashion, and must leave positive effects for the free activity of the nation. Moreover, it must esteem humanity sufficiently to know that the moral standpoint of a nation can never be accurately gauged, much less that its development can be calculated beforehand and mechanically, inasmuch as a nation receives more frequently, and wholly from within, sudden impulses. As all history teaches, these, far from inducing resulting legislation, on the contrary often compel her to follow their lead. In short, the State is not an educational, but a political institution.

To return to the Jews, one has been proceeding on certain assumed concepts of their character, whereas, with respect to accuracy and degree,—and here clearly, accuracy and the question of degree are determinative,—practically no statesman will agree with any other. This character it is sought artificially to change; and, as one finds it altered from time to time, greater civil rights are to be granted to the Jews along with those already enjoyed by all others residing in the state.

Anyone who has seriously studied national characteristics will know of how little value is one's experience, on which one bases one's views in judging them, and what a rare combination of real philosophical insight and of quick and delicate power of observation is requisite in forming judgments. On the other hand, in an equal degree with such a capacity, the positiveness of one's judgments abates, and the result finally is that a cautious man will seldom shape his conduct upon them, a conscientious man will never predicate upon them the granting or withholding of rights.

One is, moreover, involved in the most serious difficulties in endeavoring to gauge the progress of a nation's advance. How, for example, should we judge whether the Jews have become more worthy of public esteem? Should it be on the basis of a collection of individual actions? Or, on official reports on a thousand different matters, but not based upon human observation by efficient officials concerning a subject, on which even individual consideration finds it difficult to reach a conclusion? Or, even on statistical tables, showing how many Jews mastered this or that industry, became agriculturists or soldiers? If upon such externals the general valuation of a single unhappy race is to be made dependent, it is to be determined by reason of them whether an irreproachable Jew can be as competent a witness as the first Christian coming along, I believe, nevertheless, such a course to be incompatible with the plainest dictates of human dignity.

If a state should desire to be consistent on such a point, it would be compelled to have the legislation concerning the Christians differ also, and their civil rights vary in accordance with the culture of the recipients, which notion, fortunately, has not thus far been advanced by any one.

Doubtless some one may say, in reply, that it is not a matter of culture, nor even a matter of manners, which distinguishes the Jew from the Christian, but really the element of probity, the element that makes men of men. But does experience justify anyone in casting such obloquy upon a whole nation? Would not the only remedy to allay such a notion—if this unnatural condition existed anywhere—demand the immediate extirpation of such a view, because, otherwise, the individual person, no matter what he does, remains despised and necessarily despicable? And would not a government which gives expression to such an anathema in connection

with a new legislative scheme,[3] necessarily effect the emigration of the better elements of the race, and leave only the worse behind?

The point at which, as far as I can see, legislation must certainly take into account a thorough understanding of the race, is not as to the purpose of the state itself, the determination of the rights of citizens, and the limits of its activity, but as to the selection of means for carrying out plans based upon universal principles. For this purpose even an incomplete knowledge of character will serve (and no other is possible). For with respect to means, one can change without detriment and judge of their utility by their success.

According to my convictions, no legislative system concerning the Jews will therefore accomplish its purpose, other than one which will find it unnecessary to employ the term "Jew" in any signification except the religious one; and accordingly I favor only one which places Jews and Christians on an absolute equality. If the former would not be ready at once to assume the obligations, devolving upon all citizens, I would, if all measures toward this end had been exhausted, rather expel them entirely from the land. For, to endure persons within a state who would countenance the manifestation of so little confidence in them, even amid our advanced culture, as withholding from them the commonest civil rights, would be prejudicial in the highest degree to the morality of the whole nation.

What is urged against a complete and immediate grant of equal rights is that this would be a leap from one extreme to another, and danger would arise therefrom to the state.

The former of these, obviously, involves a misunderstanding. If an unnatural condition is turned into a natural one no leap, certainly no hazardous leap, is involved; such can be found only if an unnatural, if a real leap from natural to abnormal, antagonistic, conditions, takes place. One converted from serf to master changes his status; because master and serf are unusual phenomena. But if one merely unbinds hands that were shackled, the subject merely reaches the natural condition.

The danger really seems so great because one assumes all Jews at once to be in actual possession of advantages, which, as a matter of fact, it is *possible* for them to acquire, but which, from the nature of the thing, they would actually achieve, only individually and gradually, just as Christians do.

I cheerfully admit that I do not perceive any great danger on that score. What must, in any event, minimize it with every one are the following considerations:

1. The state should exercise complete and strict police supervision, and the Jews, enjoying equal rights, would be compelled to obey the law just as the Christians are, and then no danger would have to be apprehended.

2. The state might direct specifically, wherever the nature of the subject permits and requires it, under what conditions and within what limits various pursuits may be carried on, and the Jew, as well as the Christian, would be bound thereby. No pursuit could suffer, which is, after all, the sole purpose aimed at.

3. If the Jew follows a pursuit contrary to its spirit as, for instance, if he should turn an agricultural pursuit into a commercial venture, his own self-interest would soon promptly set him right. Should that not be the result, this would merely be one of those cases which strong and virile legislation would overlook.

4. Public office cannot be acquired by a person at his own volition. For this an appointment from the state would be required. As to this, therefore, the state always reserves control of the matter.

5. The general danger that the Jew would supplant the Christian is chimerical on its face; it becomes a danger in fact only by reasoning in a

[3] The following words were stricken from the original draft, "providing even, for example, that no Jew should be permitted to deliver acceptable testimony."

circle, because it is first assumed that the distinction between Jews and Christians politically is to be abolished, and it is next assumed that politically it will not be a matter of indifference whether a pursuit is followed equally well by a Jew as by a Christian.

Even if the danger, however, did appear to be appreciable, one would nevertheless have to carefully consider that, as against this, the oppression, breeding now a really appreciable immorality among a number of Jews, would be wholly eliminated, and that, which would still remain, diminish day by day. For, a sudden equalization would very soon render the difference between Jews and Christians unnoticeable. On the other hand, a gradual amelioration would not merely render this danger imminent to some extent, but, coincident with the differences themselves, would continue to exist, if not perpetually, nevertheless much longer.

Those who are too timid about granting a sudden equality of rights are, on the other hand, too eager to adopt a gradual amelioration which carries with it the double dangers of the old and the new condition while working on the assumption that both are being diminished.

Taking up, now, a criticism of the present edict, after considering these general views,—from the spirit of which they are markedly at variance,—as also the system on which they are based, it must be conceded that the Jews acquire, pursuant to them, a high, and in many respects satisfactory, degree of freedom, barring, however, some very glaring exceptions, as also some other provisions which are in direct contradiction to them. Disregarding these, this legislation would gain for them an appreciable advance in their physical welfare, if one were able to overlook the underlying want of moral esteem for them involved.

However, as general defects the following may, I think, be properly noted:

1. It confirms and enlarges the demarcation between Jews and Christians —which it is its precise aim to abolish—through regulations seeking to bring all resident Jews into categories and statistical tables and through petty precautions that no alien Jew be permitted to immigrate to the land. Section 75 requires the production of a certificate of circumcision, and by Section 98 [not merely the authorities but] also the people at large are requested to keep an observant eye upon the settlement of a Jew. On the contrary, the achievement of the general purpose would make it desirable that every one who is not called upon to act in religious matters should be oblivious whether a person be a Jew or not, at which Section 2b[4] aims, whatever else may be said against it.

2. It expresses a moral depreciation of them in an almost repelling fashion. For, while it ascribes to the Jews a high degree of mental culture, as being at least completely possible of achievement, it robs them of all reliance upon their probity, loyalty and veracity. Compare in this respect Sections 9, 10 and 30, with the annotations.[5]

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[4] Section 2b requires that the Jews shall wear German clothing and shave their beards.

[5] Section 9. In particular said persons [all native Jews] may hold all academic and communal positions, as they are educated up to them.

Section 10. The appointment to public office of the present generation in general cannot be permitted. Power is reserved, however, in case superior capacity is exhibited by particular subjects, to make exceptions to this rule.

Section 30. The provisions of the *Allgemeine Gerichts-Ordnung, Theil* 1, *Titel* 10, Section 230, No. 12 are also to continue in force for the first generation. These clauses provide that Jewish witnesses shall not be accorded the full credit Christians are entitled to. The maintenance of this provision, particularly for the present time, is desirable, owing to the lamentable evil consequences resulting from the lower morality of the poorer classes of Jews in particular.

[From the Annotations.]

3. The express establishment of a chief-rabbinate lends additional strength to the ecclesiastical organization of the Jews, which, as already observed, is markedly more political than religious, and constitutes one of the greatest obstacles to assimilation. In a desire to modify gradually the ritual laws through the chief-rabbinate, as is explained in the annotations, the policy is once more pursued of having the State undertake affirmative activities. If one make provision, as the edict does very satisfactorily, for enlightened and learned rabbis, no occasion exists for establishing a chief-rabbinate, because, so far as the Jews may do so at their own instance, it will loose the bonds between the individual Jewish churches and not introduce a peculiar orthodoxy among the Jews. In a much greater degree it will promote schisms, through natural and proper tolerance, and the Jewish hierarchy will crumble of itself. Individual persons will realize that they have merely a ceremonial law and really no religion, and feel impelled to turn to the Christians on their own desire, actuated by the inherent human need for a higher faith. Then, their conversion would become desirable, gratifying and philanthropic, while now—when it involves the desertion of their oppressed brethren and the discarding of burdens hitherto borne in order to be branded as baptized Jews among Christians enjoying full rights—it is only excusable under peculiar circumstances.

4. The framing of the edict is not satisfactory, inasmuch as it makes a long and in part (as in Sections 8 and 29 [6]) really illusory enumeration of the new rights of the Jews.

If even now in the Prussian state the epoch has not yet arrived when the difference between the rights of Jews and Christians ceases, it is always better, first of all, briefly to enumerate their disabilities, and then to declare that, with respect to their remaining rights and duties, they are absolutely equal. The Jew, who reasonably can ask nothing except equality of rights, is frightened by every long edict, because, in his opinion, proper ones can comprise only a few lines.

This being first noted, I comment upon individual sections as follows:

Sections 1-7.[7]

The provisions hereby required of the Jews (with the exception of clothing and the shaving of beards, as every citizen is privileged to wear such decent clothing as he chooses, and the Jews will drop these distinguishing marks very soon at their own instance) must be viewed as universal legal requirements with penal provisions for non-compliance and not conditionally.

An enumeration of the Jews seems to me to be most useless in so far as it is to serve for determining rights and duties. On the other hand, certificates of citizenship exist, and I think there must also be enumerations of denizens and of craftsmen who are not citizens. As soon as a

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[6] Section 8. All resident Jews shall enjoy equal rights with the Christians except in so far as this edict contains no provision to the contrary.

Section 29. The Jews are subject to the same civil laws as Christian believers, and are governed by the same civil and legal relations, other than this ordinance provides.

[7] Section 1. All Jews and their families now living in Prussia and holding letters of protection and concessions are to be regarded as native Jews and Prussian citizens.

Section 2. The continuance of their status as citizens is, however, permitted only—on conditions that they collectively bear definitely—adopted family names, wear German clothing, and have their beards cut; and in keeping books of account, documents and other writings designed for public use employ the German language and German or Latin characters.

Section 3. In order to comply with these conditions three months' grace is granted to them; those not complying with them are to be regarded as alien Jews.

system of village police is organized, a similar institution will be established in the country, and then Jews as well as Christians will be registered. A person not registered is merely a traveler, a foreigner, subject to expulsion beyond the boundaries at a moment's notice, and therefore not dangerous.

Where reference is had to a right that can be exercised only by a Christian, the baptismal certificate should be required; thereby the Jew is necessarily excluded, without requiring registration. Never should the Jew, however, be required to prove that he is a Jew. Because, take the case of a father who refrains from having his sons circumcized, without having them become Christians. Would the State compel him to resort either to circumcision or baptism?

In this connection I think one should reiterate the often repeated proposal to have births and marriages evidenced through civil forms, in addition to the ecclesiastical rites connected with them. Complaint has often been made about the unreliability and errors of the church records, and in any event it would be safer to secure a double attestation of occurrences that are so important for civil life.

SECTIONS 9-10.[8]

These sections ought, in my opinion, to be absolutely changed.

In the edict itself there is only one awkward phrase. The draftsman realized that a complete exclusion from public office would be unjust and inexpedient as well. He provided for exceptions and simply overlooked the fact that it would be better, along these lines, not to mention the subject at all, inasmuch as the bestowal of public office is always dependent upon the selection of the government.

The provision regarding the universal police, however, absolutely excludes the Jews from all public office; nevertheless, it permits the acquisition of academic and communal appointments.

As against this, the matter of public instruction must be preserved inviolate. In order to be a teacher not merely talent and scholarship are necessary, but also morality and a sense of duty, and scholarship itself requires the one, as well as the other, if it is not to be mere learning by rote. This the schools and universities can better dispense with. The section regarding an industrial police recognized this, and the one dealing with the police in general must have overlooked the connection between the two sections, for a nation which is to be universally excluded from offices of state, because of doubts regarding its sense of duty, cannot logically be made qualified to fill teaching positions. This would involve not honoring said nation, but lowering the post of teacher.

The section regarding public instruction ought not to determine whether the Jews may secure state positions. If the negative view is to prevail, it must be taken into account and insisted upon that Section 9, as far as it relates to school positions, shall be eliminated, and there, also, either the

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Section 4. Their family names must be declared by them before the police authorities within six months. Publication through the public newspapers of the province shall be at the expense of the person concerned.

Section 5. Within the time limited the police authorities of every place shall prepare an alphabetical enumeration of the Jews enjoying protection and concessions and annex the letters of protection.

Section 6. The authorities of the province shall prepare the registers-in-chief and issue to every Jew who is protected or licensed a certificate that he is a resident. This certificate shall take the place of the letter of protection.

Section 7. Regarding the enumeration, further particulars will be determined upon.

[8] See Sections 9 and 10 quoted *supra*, p. 107.

exclusion of Jews be made absolute,—(which, however, is not to be favored, nor is any curtailment based upon the fluctuating condemnation of a whole nation),—or their capacity left to rest upon individual qualifications within their circle, without regard to descent and religion, where religion does not come into play. But an expression, which insults the entire teaching staff, cannot be allowed by the ministry to remain in a public edict, and the section regarding their duties cannot be overlooked.

In connection with Jewish communal positions, it has perhaps not been borne in mind that, according to uniform principles, the Jews also would find a place in a national representation. Surely it would be extraordinary if one, who may become the representative of his entire nation, cannot fill any, perhaps unimportant, public post. I cannot agree with the distinction made in this respect in the section regarding the industrial police. A prejudice injurious to the rights of many members of the state, such as disrespect for the Jews, must not be ignored by the state, but it should declare squarely against it.

According to my views Sections 9 and 10 should be entirely omitted. Capacity in general is self-understood, and the actual enjoyment of these privileges is dependent upon the people at large, the authorities, and the king, and within their control.

SECTIONS 12-15.[9]

Concerning the removal of restrictions upon settlement in the country districts, I am fully of Privy Counsellor Köhler's opinion.

SECTIONS 18-20.[10]

Privy Counsellor Köhler correctly remarks that the discrimination sought to be abolished is, in fact, preserved, if the ecclesiastical commoners (*Kirchliche Gemeine*) are carried over into political regulations. But the same thing is done if desertion by a Jew is punished more severely. That such desertions will not be frequent, the mockery and the reproaches of the Christians will assure; if, meanwhile, a few cases of desertion do actually occur, is it necessary for the State to legislate so much in advance regarding the prohibition of every such single contravention?

SECTIONS 21, 22.[11]

I agree with Privy Counsellor Köhler.

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[9] The edict attempts to confine residence as a rule to the cities; in the rural districts the Jews may sojourn only as common agricultural laborers or as rural manual-laborers, and may acquire real estate only under the conditions specified in Section 85. Köhler on the contrary desires to make sojourn in the rural districts easier, to permit them to acquire any kind of land there, and to follow every authorized civil pursuit. (Köhler was counsellor in the section dealing with industrial police. See Köhler's report in Freund, *supra*, vol. ii, pp, 251-60.)

[10] Section 18. The Jews are also subject to military conscription and cantonal duties, and, in fact, in the most stringent terms.

Section 19. At the expiration of six months and after names have been fixed upon for them, they are to be entered in the cantonal books and family rolls.

Section 20. If a Jew deserts, the community must provide two of its members as substitutes for him.

[11] While this edict fixes the age at which marriages may take place at 21 for male Jews and 16 for Jewesses (Section 21), and establishes severe penalties for violations (Section 22), Köhler desires to make the general laws of the land applicable to the Jews.

SECTIONS 23-26.[12]

If the state determines accurately who in fact is an alien, industrially qualified and subject to all the general governmental burdens of denizens, there will be no need for the distinction between natives and aliens in connection with marriages. In order to qualify an alien to become a denizen, a formal act will be necessary, in the case both of Jews and Christians. This cannot be consummated without prior notification to the officials of the state. Here also what was said above about marriages as *actes civiles* applies.

SECTION 30.[13]

The abolition of the requirements under consideration and the circumstance that the Jew must be able to render absolutely competent testimony, even against Christians, I regard as a fundamental prerequisite of every admissible scheme of legislation regarding the Jews, and as an absolute requirement for every reform of this people. Neither in civic gatherings nor in schools nor in daily life can human beings have any kind of human intercourse with one another or any relations going beyond a simple civil coëxistence where one section, by reason of its descent, inspires suspicion as to its elemental moral attributes, its veracity, in the other. This must be legally borne by the one and maintained by the other. It would be much better to retain the old order of things.

SECTIONS 36, 37.[14]

If the acquisition of citizenship, which can always be denied, were to be conditioned upon an express authorization from the king, these specific legal requirements would be unnecessary, as the government would not be bound to render an account of the reasons which impel it to withhold its consent.

Moreover, I coincide with Privy Counsellor Köhler in not regarding the immigration of foreign Jews as so dangerous.

SECTIONS 38-40.[15]

Loss of citizenship should be imposed on Jews only where Christians incur the same penalty. A law which seeks to abolish the difference between

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[12] Section 23. Solemnization of marriages among native Jews requires no authorization; the rabbi must have the requisite age, as also that the parties are natives, established before him, and notify the police.

Section 24. Natives may marry foreign women without authorization when the requisite legal age is established.

Section 25. Through marriage with a native Jewess, no foreign Jew can acquire a legal right of settlement in Prussia.

Section 26. Foreign male Jews ought not in fact be married in this country; in exceptional instances leave to do so may be secured.

[13] See *supra*, p. 107.

[14] Section 36. Prussian citizenship can be acquired by foreign Jews only with the authorization of the Minister of the Interior on the application of the authorities.

Section 37. The application must be based upon special services to the state, excellent scholarship, new undertakings conductive to the general philanthropic good. Other grounds will be rejected.

[15] Section 38. Loss of citizenship shall result from the commission of all offences carrying with them imprisonment in a fortress for one or more years.

Section 39. Also in case of dealing in contrabands, voluntary bankruptcy, counterfeiting of coin, introduction of counterfeit coins, forgery, larceny, concealing stolen property, even if lesser penalties than hereinbefore mentioned are fixed by law.

Section 40. The courts are formally to decree loss of citizenship in all such cases.

the two religious communities does not do well to represent the acquisition of citizenship by the Jews as an extraordinary favor.

Moreover, what is to become of those thus punished? To banish them from the land is difficult, and to allow them to remain with inferior rights, as above remarked, very doubtful policy.

SECTION 43.[16]

This seems unnecessary, as it is unlikely that an adequate number of Jewish families will be found in the villages. But even if they should be encountered, there is no reason for preventing the formation of rural synagogues.

SECTION 54.[17]

Privy Counsellor Köhler's comment is fully justified.

SECTION 56.[18]

Inasmuch as the examinations are to be scientific only and their purpose negative: to exclude illiberal and ignorant persons from the position of rabbi; not positive: to determine their capacity for such a post, these examinations ought to be conducted by scientific functionaries, not by the ecclesiastical and school functionaries. It were well then for the former to call into conference scholarly Jews.

SECTIONS 59, 60.[19]

That Jewish laymen constituting merely an ecclesiastical corporation should have a Christian director-in-chief, his compensation to be borne by them, seems extraordinary to me. I think it would suffice if the selection of the rabbis requires an examination on an authorized subject and their confirmation would rest with the Government.

SECTIONS 66-68.[20]

I have already expressed my views regarding the Chief Rabbi. If the laymen do not ask for the establishment of such an office, none should, in my opinion, be required.

Conflicts between the laity and their rabbis are naturally to be decided, if they are not real law-suits, by the government of the province, and if a knowledge of the Jewish religion is necessarily involved therein, it will secure opinions from distinguished rabbis. In the second instance the

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[16] Section 43. Synagogues may be erected only in cities.

[17] Section 54. Every candidate for the rabbinate must have studied three years in a university of the state, and furnish certificates of attendance at philosophical courses and of the study of Oriental languages. Köhler wants to have these requirements continue only as long as they govern Christians.

[18] Section 56. The examination of rabbis on scientific lines and their confirmation are delegated to the ecclesiastical authorities of the province.

[19] Section 59. The board of directors shall consist of the director-in-chief chosen from among the city magistrates and two directors selected from the Jewish heads of families; confirmation by the magistrates is necessary.

Section 60. They must serve for three years gratuitously; reëlection is permitted. The salary of the director-in-chief must be defrayed by the Jews.

[20] Section 66. In Berlin a Chief Rabbi shall be appointed to supervise all the Jewish communities of the monarchy.

Section 67. All the community shall contribute to his compensation.

Section 68. Complaints against rabbis are to be investigated and adjusted by him; the court of final appeal shall be the provincial authorities (*provinzial Behörde*) and the section on religion (*Section des Cultus*).

matter goes to the section on religion. These authorities are the ones to pass on dismissal of the rabbi, but in deference to the wishes of the laymen only if a special concern of the state be involved.

SECTION 69.[21]

The text-book for religious instruction used by the rabbi, must assuredly be approved by the state. It must, however, conform, within the requirements of the general censorship, to the principle that the state shall not regulate religious affairs.

SECTION 70.[22]

This is very good. Nor should there be permitted any longer special Catholic schools and least of all those of the Reformed Church.

SECTIONS 72, 73.[23]

Special Jewish hospitals should certainly be permitted. But Jews should certainly not be barred from the general Christian institutions, and particularly for this reason it is desirable that they should contribute to their maintenance.

SECTIONS 76-80.[24]

According to my views, this supervision on the part of the state as to the number of Jews or Christians that should be allowed to pursue this or that occupation goes too greatly into petty details. However, as the state does frequently establish such provisions and at least heretofore the nobility was not permitted to ply common pursuits, these limitations can certainly be defended.

SECTIONS 81-93.[25]

I agree with Counsellor Köhler.

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[21] Section 69. Religious instruction shall be imparted by the rabbi on the basis of text-books approved by the state.

[22] Section 70. For general instruction for their children Jews may secure the services of private teachers or the existing public schools. Special Jewish schools will not be permitted.

[23] Section 72. Jewish hospitals and almshouses are to be governed by the requirements as to private endowments.

Section 73. Their existence shall not relieve those supporting them from their obligation to contribute to the maintenance of public institutions of this character.

[24] Section 76. Trade in all cities of the monarchy is permitted.

Section 77. In order that they be induced to take up other occupations, in the large cities ten Christian merchants, and six in the small, should be found to each Jewish merchant.

Section 78. The Jews may pursue all kinds of trade except dealing in old clothes, which is not permitted to any Jew.

Section 79. A Jew may also be a broker.

Section 80. If the Jews exceed their quota in the cities, more will not be allowed to immigrate until the normal number is reached.

[25] Section 81. With respect to Jewish merchants acquiring residence, the same requirements must be observed as in the case of Christian merchants; the former shall also have the same relations toward mercantile corporations as the latter.

Section 82. The like conditions shall be applicable to other Jewish craftsmen.

Section 83. Country property Jews may acquire only with the consent of the police.

Section 84. Consent will be given only on condition that the Jewish transferee obligates himself (a) on such agricultural estates as have no

SECTION 94.[26]

The term, moneyed business (*Geldgeschäft*), is, clearly, too indefinite.

SECTION 97.[27]

To encourage informers may be very dangerous, in view of the relations between Jews and Christians, and in the light of the hatred prevailing in many places. It would not lead to the desired end of establishing friendly relations between the two religious parties.

SECTION 102-122.[28]

That Jews who have not yet become citizens of the state in the manner above prescribed should not be permitted to ply civil pursuits, is quite proper, but it ought apply to the Christians also. For he who wishes to ply his vocation ought also to be compelled to bear his share of the burdens of the state. But that traveling Jews merely should have passports, be allowed to stay only twenty-four hours, etc., is an offensive regulation, which will make the differences between Jews and Christians perpetual. It will never become necessary, for generally applicable police supervision is obtainable.

Finally, an observation, emphasizing caution in connection with new legislation regarding the Jews, would perhaps not be out of place.

The present condition of this nation must necessarily involve great external and also physical drawbacks, but morally the want of esteem in which they find themselves, does not affect either them or the Christians

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farmers, that he will secure within six years one-quarter of his employees from among his coreligionists; (b) on his acquisition of estates on which there are farmers, such will be collectively relieved from service, and all farms within three years will be delivered to their occupants free from tolls in respect of service, drink and mill.

Sections 85-88. Penalties if the above conditions are not complied with.

Section 89. Mills, inns, public houses, etc., may not as a rule be owned by Jews.

Section 90. For the establishment of factories in the country, an authorization shall be necessary.

Section 91. Jews may not carry on trade in the rural district.

Sections 92-93. Penalties for violations thereof. Köhler desires to omit Sections 83-88; to Sections 89 and 90 he wishes to add mills.

[26] Section 94. The moneyed business by Jews with Christians of the rural districts or loans of merchandise by the former from the latter is prohibited.

[27] Section 97. From all these penalties, the informer is to receive one-half the recovery, the other half to go to an eleemosynary institution.

[28] Section 102. Foreigners or such as do not comply with the provisions of Section 2 shall be regarded as alien Jews.

Sections 103-6. Settlement is forbidden to them; they may not become rabbis or synagogue officials, or apprentices, or be employed for industrial purposes. Penalties provided for the communities for infractions hereof.

Sections 107-122. Entry of foreign travelers is permitted, but they must have a pass and secure a passport; penalties for omitting their town, for leaving the route, for begging and peddling; they may not remain in any place longer than 24 hours, then they must report to the police and apply for a permit to sojourn longer; the passport for a locality must not be valid more than two weeks, except in the case of fairs when not over four weeks' leave for foreign Jews in transit through the country may be given.

very much. For this condition is regarded as a survival of barbarism and former prejudice, and it is assumed that the state itself discountenances it, but has waited with abolishing it solely because of the many practical difficulties attending its alteration.

But in a new law the government expresses its own views, borne by it now, regarding the Jews and the possibility of their civil amelioration, and this opinion must necessarily be of the greatest importance in shaping the general sentiment of the nation. A new legislative system regarding the Jews that is not quite wise, may thereby perhaps remove many physical detriments, but gives rise to the possible danger of creating new, greater moral drawbacks also, than even their present condition presents. Through the misdirection of the universal opinion and the strengthening of the old prejudices against the Jews such evil arises.

HUMBOLDT.

July 17, 1809.

APPENDIX B.

The Influence of Lewis Way and Other English Missionaries upon Alexander I's Treatment of the Jews.

Way's relations to Czar Alexander I of Russia were typical of those of two groups of English missionaries, who exerted great influence upon the entire treatment, not only of the Jews in Russia and Poland at this period, but of religious affairs in general from 1813 to 1825, during the reign of this monarch, and we refer here to the British and Foreign Bible Society and the London Society for Promoting Christianity among the Jews, and their leading workers of that day. The circumstances that accounts of their activities were printed chiefly in England, and in annual reports and similar books that are seldom consulted even there, is responsible for a failure not only on the part of Jewish historians, but of historians of Russia in general, to utilize this material adequately. It is clearly established that Alexander I in 1812 on the eve of the Napoleonic invasion of Russia was induced by his intimate, Prince Galitzin, to read chapters from the Bible daily, and from then on all projects for popularizing the Bible and encouraging its translation and general reading among his subjects greatly appealed to him. This was so, although the Russian Holy Synod, like the Roman Catholic Church, had discouraged the popular study of the Bible. Around the same time the Russian Ambassador at Stockholm, doubtless at the instance of Alexander I and Galitzin, sent for one of these British Bible Society workers, Rev. John Paterson, and urged him to start organized work at St. Petersburg. Paterson was given a safe-conduct into Russia at a time when that empire was still at war with England as Napoleon's ally, being informed that Russia would side against that "Anti-Christ" very soon. Soon thereafter, the Russian Bible Society was started, with generous imperial aid, Prince Galitzin, Alexander's Minister of Worship and Public Education, becoming its president. The Bible was translated into Russian tongues, and thereafter under these auspices hundreds of thousands of copies of it were circulated in all the languages of the empire. In line with this, special efforts to organize public schools were made by Alexander and Galitzin, with the aid of Joseph

Hamel, William Allen, Heard, and Capodistrias, the English "Lancaster" type being particularly favored. The Bible Society workers were especially interested in labor among the Jews of Russia, its workers, Ebenezer Henderson, Robert Pinkerton and John Paterson,[1] and their associates often directly coöperating in Jewish conversion activities with the missionaries of the London Society for Promoting Christianity Among the Jews, such as Rev. Lewis Way, Benjamin N. Solomon, Johann C. Moritz, Rev. Mr. Cox and Joseph Wolff.

The annual "Reports with Appendices" of the Bible Society, and the separate works and biographies of its three leading missionaries above named, are full of references to the condition of the Russian and Polish Jews, and these also reprinted the reports and announcements of the Russian Bible Society and its branches. These writings, of course, must be used cautiously, as these missionaries were naturally disposed to over-emphasize the then benighted condition of the Jews in Russia and Poland and the success and hopefulness of their own evangelizing efforts among them. They were, however, often humane, sincere men, eager to improve the condition of their unfortunate Jewish fellows aside from proselytizing efforts, and Jews in Russia in some numbers purchased copies of the translation of the Old Testament, as also, it was contended, of the New, and aided the general work of the society, oblivious of its missionary proclivities. The same is also true of the information in the annual reports with appendices of the London Society for Promoting Christianity among the Jews, its monthly periodical, *The Jewish Expositor*, and separate publications by some of its leaders. The society had distinguished and influential men among its officers, and expressly took up, under Way's direction, foreign work on a large scale, by resolution adopted at its annual meeting, May, 1817. This resolution

[1] See, besides their letters in the "Bible Society Reports with Appendices," and the publications of the London Society, E. Henderson, "Biblical Researches and Travels in Russia," London, 1826, especially pp. 196-245, 306-39, 416-9; T. S. Henderson, "Memoir of the Rev. E. Henderson," 1860, written by his daughter; Rev. John Paterson, "The Book for Every Land," 1858; William Swan, "Memoir of the late Mrs. Paterson, wife of the Rev. Dr. Paterson," Edinburgh, 1824, 3d edition; Robert Pinkerton, "Russia," London, 1833; *idem*, "Present State of the Greek Church in Russia," New York, 1815, especially p. 273 *et seq.*; *idem*, "Extracts of Letters from Rev. Robert Pinkerton," etc., London, 1817, practically a reprint from the Bible Society Report; biographical sketches in the "Dictionary of National Biography" and Owen's and Canton's histories of the Bible Society, *infra*.

was anticipated by a sermon by Way, thereafter printed, preached on that occasion. Way himself had four different interviews with Alexander I in Russia in 1817-1818, in the course of prolonged travels which lasted a year and four months, undertaken at his own expense, in aid of his Jewish conversionist projects, and at Alexander's instance he visited the Crimea in connection with the proposed Israelite-Christian colonies there,[2] concessions for which he seems to have been mainly instrumental in securing.[3]

On the other hand, even non-proselytizing activities on the part of these men, such as the improvement of general educational opportunities among the Jews, as well as their labors for Jewish emancipation, and particularly Russian governmental approval of

[2] See Dubnow, "A History of the Jews of Russia and Poland," vol. i, pp. 396-7; the imperial *ukases* were printed in full in *The Jewish Expositor*, 1817, pp. 384-91; see also, "The Jewish Encyclopedia," *s. v.*, Israelite-Christians.

[3] In its May 8, 1818, report, the London Society stated that "Alexander I received him [Way] in the most condescending and friendly manner, and gave him the warmest assurances of zealous support and coöperation on all measures tending to the promotion of Christianity among his numerous Jewish subjects. There is reason to believe that, since the date of the latest accounts from Mr. Way, which left him at Moscow, he has visited the Crimea, under the express sanction, and probably also in the company, of his Imperial Majesty. The importance of that peninsula, as an object of investigation on account of the number of Caraite Jews residing there, need not be enlarged upon by your Committee." The appendix to this report contains numerous letters from Way and Rev. R. Cox, a companion of his, down to November 28, 1817. The 1819 report of the society contains B. N. Solomon's account of his activities, while accompanying Way, and following up his plans in Russia and Poland, pp. 21-5, 28, 29, 50-65, as also Robert Pinkerton's and Moritz's reports on their proselytizing activities, pp. 43-50. So also the 1820 report, pp. 49-58, 79-94, and *The Jewish Expositor*, during this same period, contain occasional letters from Way, but he does not seem to have published any circumstantial reports of his activities after November 28, 1817, except letters covering his efforts in March and April, 1818, *after* his early interviews with Alexander and Galitzin: *The Jewish Expositor*, 1818, pp. 273-84. At the society's 1819 meeting, it was announced that letters from Way from Russia were not included, out of deference to his presence at the meeting itself, especially "as such insertion would only be an anticipation of statements which will appear in a journal already announced for publication." See *The Jewish Expositor*, 1818, pp. 223-7, and the Way-Solomon letters in that volume, but the journal referred to does not seem ever to have seen the light of day. It is possible, however, that the intermediate period was covered in a work of Way's, which I have not been able to locate in this country, published by him in 1818, entitled, "A Letter Addressed to the Bishop of St. David's, Joint Patron of the London Society for Promoting Christianity Among the Jews, with an Appendix." It was referred to in *The Jewish Expositor*, 1819, pp. 37-38, and a copy is listed in the *British Museum Catalogue*.. Some such "Letter" was referred to as containing further letters from Way in the course of an address at the 1819 meeting of the society by Rev. Mr. Cox, *The Jewish Expositor*, 1819, p. 240.

their plans along these lines, were quite certain to encounter opposition from Jews, who were naturally inclined to look for conversionist motives emanating from these sources. Thus, the converted Jewish missionary, Solomon, submitted an educational plan, having independent non-conversionist features, to the governmental authorities in 1818, which his society approved,[4] for non-religious instruction for the Jews in Poland, in the course of which prudent laws for educational reforms enacted by Emperor Joseph II and the king of Holland for their Jewish subjects were adverted to. But he unwisely added:

> That a similar plan might be easily adopted and enforced by his imperial Majesty, on his Jewish subjects in Poland, will, I think, admit of no question whatever—that such a plan, if prudently conducted, *will and must ultimately, prove useful in conducting them to the Christian faith, will admit of little doubt.* But one circumstance I must take the liberty of stating to your Excellency, viz., that some of the more enlightened part of their community ardently wish, and impatiently wait, for his Majesty's command respecting such an institution, and they even request me to propose it to his Excellency Prince Galitzin, and to state, they are willing to assist in forming a plan that would involve the government in no expense whatever, and the object of which would be, to turn a part of the public properties of the communities, otherwise spent in useless ceremonies, &c., into this most salutary channel.

Naturally, the publication of such weak arguments in favor of a good cause, general education, alienated devout Jews and defeated its own ends, even as far as these were salutary. Probably for this reason Way was advised not to be guilty of the indiscretion of publishing accounts of his interviews with Alexander and his chief officials, and changed his original plans in that regard. Solomon describes some of Way's activities, however. At the suggestion of Alexander I, then the most influential man in Europe, Way went to the Aix-la-Chapelle Conference to submit his memorial in aid of Jewish emancipation there, enthusiastic and hopeful of the results of his humane and really disinterested labors. The life of William Wilberforce, an active official of both the Bible and Conversion societies, by his sons[5] contains an interesting account of an interview which Way, as the emissary of the great opponent of slavery, had with Alexander shortly before

[4] "Eleventh Report of the London Conversion Society," 1819, pp. 28-31, 50-65, especially pp. 54, 55. Compare Way's recommendations on this subject at Aix-la-Chapelle, *supra*, pp. 86, 87. Note also the recommendations of Dr. Frank, a Jewish physician in Russia, to the governmental authorities in 1800 in favor of instruction in Russian, German and Hebrew for Jewish children which are referred to by Hessen in *Monatsschrift, supra,* vol. lvii, p. 259 (1913).

[5] Five volumes, London, 1838, vol. iv, p. 333.

the Conference of Aix-la-Chapelle met. In a Latin account of it, addressed to Wilberforce, Way wrote in 1817-8: [6]

> It was not an audience of a private man with an Emperor, but rather a most friendly exchange of views of a Christian with a fellow Christian. What genial condescension, what an inviting smile, what an open heart, what fiery words and what love; almost, or rather complete and absolute, divine love! It was the spirit of God which manifested itself in this memorable interview.

Some years later, at the request of the Swiss evangelist, Empeytaz, who was in close touch with both Alexander I and Mme. de Krüdener, Way added notes to an English translation of Empeytaz's pamphlet "Some Particulars relating to the late Emperor Alexander, with notes by L. W." [7] In the last-cited edition, Way is referred to as having

> had interviews with the Emperor at Moscow, at Aix-la-Chapelle and in the Crimea,

and in one of the notes,[8] language regarding interviews with Alexander by Way is used similar to that employed in the letter to Wilberforce above quoted, and he also says: [9] "I have often conversed with Alexander." Miss Drusilla Way wrote an account of some of her father's activities for Prof. Franz Delitzsch at Rev. P. L. D. Acland's request, as follows:

> In 1817 he [my father] went to the Continent, in order to pave the way for the Mission [London Society]. In Berlin he enlisted the English Ambassador, Sir George Rose, in the cause, who has since then been one of its most zealous promotors. Introduced by him to the Crown Prince, he interested the latter also, who became so fond of him, that he subsequently presented to him through Sir George Rose an allegorical enamelled porcelain piece, as a token of his grateful remembrance. His real destination was Russia. Here in St. Petersburg he had four deeply affecting interviews with Emperor Alexander, who received all he told him about the condition of the Jews and the duty of the Christians, to interest themselves in their external and spiritual welfare, with the warmest and liveliest sympathy. At this time the Emperor developed a scheme for a Jewish-Christian colony in the Crimea, which was, however, never realized. It was his express wish that my father meet him at the Congress in Aix-la-Chapelle, in order to lay before the gathering of notables there and bring close to their hearts, the matter of the Jews. Sir Thomas Acland, who was present, in friendly fashion aided him in this appeal to the sovereigns of Europe.[10]

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[6] *Ibid.;* also quoted by Miss Way in *Saat auf Hoffnung,* vol. xiv, p. 128 (1877).

[7] London, 1830, second edition, translated by William Henderson, Aberdeen, 1855.

[8] P. 12.

[9] P. 13.

[10] *Saat auf Hoffnung,* vol. xiii, pp. 211, 212 (1877). Subsequently, according to Miss Way, *ibid.,* vol. xiv, p. 127, Way desired to continue action on Jewish affairs at the Congress of Verona in 1822, but Count Nesselrode answered him politely that the time afforded for despatch of the programme already agreed upon, was so brief, that the Emperor would have to deny

When, however, the reactionary elements succeeded in convincing Alexander that the Bible Society workers were in danger of undermining not merely the established Greek Church, by popularizing the Bible and educating the populace, but also of overthrowing autocracy and promoting revolutionary efforts, Alexander's attitude completely changed in 1824. Galitzin was removed from his exalted office as Minister of Ecclesiastical Affairs and Public Education, and ordered to resign the presidency of the Russian Bible Society; popularization of the Bible in Russia was stopped; the Society's labors were throttled, and reactionary fanatics were given full sway. A number of the foreign religious workers were ousted from Russia. Naturally enough, the Israelite-Christian movement also died a natural death with the removal of Galitzin, and its other sponsors, and the liberal attitude of the Czar towards Jewish amelioration changed. It is thus apparent that the position of Alexander's administration towards the Jews was governed during the last thirteen years of his reign in a large degree by his attitude toward the Bible Society and its workers, and it must be considered largely in this respect.[11]

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himself the satisfaction of resuming in Verona the relations begun in St. Petersburg regarding Jewish affairs. Way evidently was acting in concert with other advocates of Jewish rights, for evidently a passage in a letter written by Gentz to Pilat from Verona, November 24, 1822, *Briefe von Gentz an Pilat, supra,* vol. ii, p. 118, referred to the same plan. Gentz wrote: "Buchholz has selected an unfavorable time. Nothing is still more uncertain than the future organization of our representation, nothing more undecided than the position of Handel. Kress is in no position to give information about these matters, and he dares not even discuss them, not with the Prince, whom he fears entirely too much to do so, not with Münster nor me, since he does not trust us. Anyway, this matter does not belong at Verona." See W. Allison Phillips, "The Confederation of Europe," pp. 266-280, regarding the Verona Congress in general.

[11] See, besides the works above-cited, Peter von Goetze, *Fürst Alexander N. Galitzin und seine Zeit,* Leipzig, 1882, a work written by a subordinate of Galitzin in the Foreign Religions Bureau; A. N. Pypin, *Die Geistigen Bewegungen in Russland in der ersten Hälfte des 19. Jahrhunderts: I. Die russische Gesellschaft unter Alexander I,* a German translation of the second edition of a classic Russian work, which, unfortunately, incorporates by reference only in notes on pp. 489, 622, 623, some more specialized Russian articles by the same author, published in the Russian periodical, *Vestnik Evropy* as follows: "The Bible Society" in volume for 1868, Nos. 8-9, 11-12; "Madame de Krüdener," 1869, August-September; "Emperor Alexander and the Quakers," October; "Memoirs of the Quaker Grel. de Mobi, regarding his sojourn in Russia 1818-1819" in *Russk Starina,* 1874, vol. ix, pp. 1-36; "Correspondence of Galitzin und Photi," vol. xxxiii-v, 1882; "Lobzin's Expulsion," 1875, vol. xi, pp. 283-91; N. Tourgenieff, *La Russie et les Russes,* 3 vols., Paris, 1847; J. H. Schnitzler, "Secret History of the Court and Government of Russia under the Emperors Alexander and Nicholas," London, 1847; Theodor von Bernhardi, *Geschichte Russlands und der europäischen Politik in den Jahren 1814-1831;* Schliemann,

Despite his mystical-religious vein, Alexander I was repeatedly characterized by people who knew him well as liberal and tolerant, and the complete collapse of the Jewish-Christian conversion movement, after the downfall of the Bible Society, confirms the view that he promoted this project solely to oblige the English

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Geschichte Russlands unter Nicholas I; vol. i dealing with Alexander I's reign; *Oeuvres Complètes de J. De Maistre,* Lyons, 1886, vol. viii, pp. 336, 341, 345; *Correspondance Diplomatique de Joseph de Maistre 1811-17,* ed. by Albert Blanc, 2 vols., 1860, especially vol. ii, pp. 362, 363, see pp. 57-62, 117-122, 308-13; Duke Mikhailovich, *L'Empereur Alexandre I,* vol. ii, p. 327; Rev. John Owen, "History of the Origin and First Ten Years of the British and Foreign Bible Society," 3 vols., London, 1816; Canton, "History of the British & Foreign Bible Society," 2 vols., 1904; M. Philippson, *Neueste Geschichte des jüdischen Volkes,* vol. i, pp. 73-6, 135-7 and the bibliography on pp. 395, 396, and "The Jewish Encyclopedia" articles, by the late Herman Rosenthal, on Alexander I, Agricultural Colonies in Russia, and Russia, and their bibliographies, properly described as "excellent" by Philippson. It should also be observed that Madame de Krüdener, who wielded such great influence over Alexander I for some time, had several Jewish, or baptized Jewish, intimates, including (1) the *methodistische Jude Asch,* as Rahel Varnhagen von Ense describes him (which does not necessarily mean that he was converted, in view of the then common primary meaning of the term *methodistisch,* compare A. Asch, *Maimonides Lebensgeschichte,* Berlin, 1816, and A. Berliner, *Zur Familienname Asch,* but as tending to the contrary see Metternich's *Memoirs, supra,* vol. iii, pp. 59, 60), in a letter to her husband, in which she mentions Madame de Krüdener as Asch's patron. *Briefwechsel zwischen Varnhagen und Rahel,* vol. v, p. 5, September 17, 1815. (2) Joseph Wolff, the missionary; Eynard, *Vie de Mme. de Krüdener,* vol. ii, pp. 139-145; "Travels and Adventures of the Rev. Joseph Wolff," London, 1861, pp. 35, 36; and (3) Ludwig H. Friedlaender. See "The Jewish Encyclopedia" biography. Moreover, Madame de Krüdener's brother was an active director of the Russian Bible Society, as was also Count de Lieven, the Russian Ambassador at London, who, with his wife, and Prince Galitzin, was present at the Aix-la-Chapelle Conference in Alexander's retinue, as were also members of the Baring banking firm, whose head, Sir John Baring, was then president of Way's London Conversion Society. Also present were Thomas Clarkson, the abolitionist, sent to Aix-la-Chapelle by Wilberforce, to aid in the effort to prohibit the slave-trade by international measures, and who had an interview lasting an hour and a half there with Alexander, and Sir Thomas Acland, the "religious Member of Parliament and intimate of Wilberforce," whom Miss Way refers to. See also, E. Daudet, *Autour du Congrès d'Aix-la-Chapelle,* in *Le Correspondant,* vol. ccxxviii, pp. 38-60 (1907); "Life of Wilberforce," *supra,* vol. v, pp. 1-4; "Life of Bishop Samuel Wilberforce," by A. R. Ashwell, vol. i, pp. 4, 5, 6, 65, 85, 116, 158, 212; "Dictionary of National Biography," vol. i, Acland; Sweet, "Life of Sir Henry Hoare." Knutsford's "Life and Letters of Zachary Macaulay," London, 1900, pp. 345-6; "Supplementary Despatches of the Duke of Wellington," vol. xii, pp. 673, 760-1.

Robert Owen, the Socialist, also was present in the interest of his propaganda, and, curiously enough, he was armed with a letter of introduction from "his friend Nathan Rothschild," to von Bethmann, at whose house in Frankfort Alexander I again stopped on his way to the Conference, and who showed Owen many attentions. Bethmann, it will be remembered, is elsewhere referred to, *supra,* p. 91. See also, R. Owen, "Life of Robert Owen," London, 1857, vol. i, pp. 182-6, 190; vol. ia, pp. 212-22.

missionaries in question.[12] Early in his reign, he manifested his naturally liberal disposition, by conferring enlarged rights and privileges upon the Jews.[13] When he came more under reactionary influences, however, restrictive legislation affecting the Jews was imminent,[14] but the Bible Society influences induced him to call a halt on such measures, and to promote a programme of enlarged rights and broader general education for the Jews. These influences were strengthened by Alexander's appreciation of Jewish patriotism in the War of 1812 against Napoleon.[15] The statement of the missionary, Rev. John Paterson, at the London Society meeting of May 9, 1817,[16] that

> Emperor Alexander had been particularly interested in their [the Jews'] favor from their fidelity to him in the time of the French invasion

is confirmed by Jewish sources to the effect that the Czar issued a manifesto, expressing this appreciation.[17]

These incidents certainly manifested the Czar's deep interest in the education of his Jewish subjects, and, as seen, he was deeply concerned in educational programmes for all his subjects. He went further and afforded to the Jews free access to the public schools and universities of his empire, such as they were, and directed that in Jewish schools, maintained by the community, Russian, Polish, or German should be taught.[18] Unfortunately, plans of this kind emanating from Christian missionaries, engaged in proselytizing work among the Jews, were bound to create antagonism in-

[12] See *The Jewish Expositor,* 1818, pp. 239-41, 272.

[13] "A History of the Jews in Russia and Poland," Dubnow, vol. i, p. 335 *et seq.*

[14] *Ibid.,* p. 341 *et seq.*

[15] *Ibid.,* p. 355 *et seq.* See also, David Philipson, "Max Lilienthal," New York, 1915, pp. 172-3; S. M. Ginsburg, *Der vaterländische Krieg 1812 und die Juden,* Petrograd, 1912, cited by L. Scheinhaus, *Die Wohltaten des Hauses Romanov,* in *Allgemeine Zeitung des Judentums,* vol. lxxix, pp. 331-3 (1915).

[16] *The Jewish Expositor,* 1817, p. 228.

[17] L. Scheinhaus, *Die Geschichte der russischen Juden im 19. Jahrhundert,* Berlin, 1901, pp. 16-17, citing Dr. Mandelkern's (Hebrew) *Geschichte Russlands,* vol. iii, pp. 32-4; Raisin, "The Haskalah Movement," pp. 117, 128, 166. Scheinhaus also makes a statement, found as well in substance in Herman Rosenthal's article on Alexander I in "The Jewish Encyclopedia," Graetz's history, and M. Philippson's work, vol. i, pp. 135, 136, to the effect that Alexander stated that "if, through his efforts to ameliorate the condition of the Jews, he would succeed in bringing forth only a single Mendelssohn among his subjects, he would feel amply compensated." In the biography of Josef Perl contained in M. Ehrentheil's *Jüdische Charakterbilder,* Pesth, 1867, at p. 89, reference is made to the fact that the Czar Alexander I presented a gold medal to Perl about 1816 in appreciation of his services in establishing an elementary Jewish school at Tarnopol.

[18] Dubnow, *supra,* vol. i, pp. 344-5. See also, *supra,* pp. 86, 87, 119.

stead of coöperation among a people who, for centuries, cheerfully accepted martyrdom on account of their religion.[19] The combination in one ministry, under Galitzin, of the departments of ecclesiastical affairs and public education was unwise, to say nothing of Galitzin's unfortunate personal participation in conversionist propaganda. In consequence, such well-laid Jewish educational plans as David Friedländer prepared at governmental instance in 1816,[20] subsequently, in 1819, published under the title, *Ueber die Verbesserung der Israeliten im Königreich Pohlen*, were received with suspicion, instead of favor, by the majority of the Jews of Russia and Poland. In the present paper further evidence is collated of Alexander's course in promoting Jewish emancipation in the matter of addressing official communications on behalf of the Jews, through Nesselrode, to the municipality of Hamburg prior to the Congress of Vienna, and thereafter to that of Frankfort, in conjunction with Austria, Prussia and England, in order to secure to the Jews the enlarged rights accorded them at the Vienna Congress (pp. 69, 77-8). Alexander and some of his ministers had, therefore, apparently interested themselves in such international representations before Way evolved his Aix-la-Chapelle plan. Unfortunately, as we have seen, Alexander's entire attitude towards "foreign religions," including the Jewish, changed afterwards and caused the downfall of Galitzin and the Bible Society.[21]

Independent confirmation of Way's relations to Alexander I is furnished by an official despatch, sent by Lord Cathcart, British Ambassador at St. Petersburg, to Viscount Castlereagh under date of July 30, (August 11,) 1818, in which it was said:

> Alexander is devout and reads some chapters in the Bible every day. He is indefatigable in printing and publishing the Sacred Writings through his dominions in every language, and accompanied by the plainest and most

[19] In J. S. Raisin's "The Haskalah Movement," pp. 118, 124-7, some additional interesting facts are collated regarding the effect of Alexander's educational reforms among the Jews. Dr. Raisin, pp. 129-130, erroneously contends that Way was responsible for Alexander's Israelite-Christian concessions of March 25th, 1817, which were in fact promulgated some months before Way's mission to Russia began. As applied to the proposed Crimean colony the statement may be true, however. In a biography of Way in *The Everlasting Nation*, vol. I, pp. 145-151, at p. 149 it was stated: "The Czar gave him [Way] a letter for Solomon, the first Russian missionary to the Jews, giving him full freedom of action, a thing which, as the Czar himself said, had never before been done by any Ruler, since the letter King Artaxerxes sent by Nehemiah to the Governors beyond the Euphrates." Nehemiah, II, 7-9.

[20] See Dr. M. Wischnitzer, *Drei Briefe David Friedländers an den Erzbischof von Warschau*, reprinted in *Allgemeine Zeitung des Judentums*, vol. lxxii, pp. 353, 354.

[21] Dubnow, *supra.*

useful tracts and guides for reading them he can find in our language. He protects the missionaries and is easy of access on these subjects. He had two long conferences with Mr. Way and approved much of him, without, however, being equally sanguine in his expectation of converting the Jews. His Imperial Majesty respects the endeavor and is disposed to support it and to make provision for converts.[22]

Prince Metternich, who wielded great influence over Alexander, especially during the last ten years of his life, in his "Memoirs" published an interesting character study of Alexander,[23] and also wrote an account of the Bible Societies and the Emperor Alexander.[24] He concludes his account of Alexander's life as follows: [25]

The Emperor Alexander died of weariness of life. Seeing himself deceived in all his calculations, under the necessity of himself striking at a class of his own subjects who had been led astray and instigated by men and principles whom he himself had long supported, his heart broke, and the events which clouded the accession of his successor, remained a proof of the troubles which embittered the last moments of Alexander.

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[22] "Supplementary Despatches of the Duke of Wellington," London, 1865, vol. xii, p. 673.
[23] Vol. i, pp. 314-34.
[24] Vol. iii, pp. 62-70, Sections 239-41.
[25] P. 332.

BRITISH PROJECTS FOR THE RESTORATION OF JEWS TO PALESTINE.

By Albert M. Hyamson, F. R. Hist. S.

One is justified in saying that both Palestine and the Jews have always been objects of interest to the English. To this people almost since the introduction of Christianity the Bible has been a living book, and as a consequence the Jews, "the people of the Book," have meant far more than merely a people of antiquity or of some foreign land. So deep was the interest that the English took in the Jews, especially during and after the era of the Reformation, that *Josippon,* the pseudo-Josephus, a work of a more popular character than its prototype, ran through as many as twenty editions in English between the middle of the sixteenth century and the end of the following one.[1] During the period of Puritan activity Jews and Judaism loomed large in the movements and controversies of the time. Judaization of one description or another was prevalent among the sects. There are instances even of Puritans removing to the Continent and adopting Judaism there. This living interest in Jews and Judaism culminated in the reädmission of the Jews into England during the last years of the life of the Protector Oliver Cromwell.[2] Henceforth the opportunities for interest in Jews

[1] Particulars of the translations of *Josippon* into English are given by Lucien Wolf in *Transactions of the Jewish Historical Society of England*, 1912, vol. vi, p. 277 *et seq.*

[2] For the story of the re-admission of the Jews to England, see Lucien Wolf's "Menasseh ben Israel's Mission to Oliver Cromwell," 1901, and other writings, and also the present writer's "A History of the Jews in England," 1907.

and Judaism were always ready to hand and at intervals the Jewish question formed part of English history.

The Crusades, and especially the first, the third and the eighth, in which British princes took part, brought Palestine very close to the English people. The greater part of the reign of Richard I was in fact spent by him in the Holy Land and in his journeys to and from that region. Still earlier, British and Anglo-Saxon travelers had found their way to the Holy Land, while the experiences of foreign travelers were recounted for the information of English readers.[3] After the last attempt at the recovery of the Holy Land for Christendom had been abandoned English interest in it diminished. There was a slight revival at the end of the sixteenth century when commercial intercourse with the Levant began to grow, and a still greater one when the exploits and prophecies of Sabbathai Zevi echoed and reëchoed round the civilized world not passing even the shores of England without response. Then, for more than a century Palestine was to the English but a subject of academic interest. Napoleon's invasion and the exploits of the British forces under Sir Sidney Smith, however, restored it to a place in English history and English politics. Napoleon, too, brought the Jews and Palestine together for the first time in English minds. His invasion of Palestine was marked by a manifesto to the Jews of Asia and Africa offering, subject to conditions, to restore the Jewish state, and a few years later he further developed his Jewish policy by summoning his international Jewish conference and *Sanhedrin* whereby he hoped to lay the basis of a solution of the Jewish question in Europe. So great an interest did this

[3] Accounts of early English and other travels to Palestine are given in "Early Travels in Palestine," by Thomas Wright, London, 1848.

conference arouse in England that its proceedings were immediately translated into English and published in London.[4]

A further instance of the interest that was aroused in the Jews and their future in Palestine at the beginning of the nineteenth century is the series of books published at this period by James Bicheno (*d.* 1831), a dissenting minister and schoolmaster of Newbury, who had previously published several politico-theological works, including "Friendly Address to the Jews" (1787) and "Signs of the Times" (1792-4), and by Thomas Witherby, a layman of the Church of England. The series opens with the former writer's "The Restoration of the Jews, the Crisis of all Nations,"[5] in which he expressed the opinion that all the portents that accompanied the world war by which humanity was then being ravaged pointed to the early restoration of the Jews to Palestine and stated his purpose in writing the book as

> to stir up the public attention to those prophecies which relate to the restoration of this singular people in the latter days, and to prepare the minds of my countrymen for the appearance of that event, should it take place in the present age, as I think it will. Those whose opinions are governed by the fleeting appearances of the moment, may think that the aspect of things, at present, is less favourable to the hopes of the Jews than it was some months

[4] "Transactions of the Parisian Sanhedrim, or Acts of the Assembly of Israelitish Deputies of France and Italy, convoked at Paris by an Imperial and Royal Decree, dated May 30, 1806. Translated from the Original, Published by M. Diogène Tama, with a preface and illustrative notes by F. D. Kirwan, Esq.," London, 1807.

[5] "The Restoration of the Jews, the Crisis of all Nations; or, an arrangement of the Scripture Prophecies, which relate to the Restoration of the Jews, and to some of the most interesting circumstances which are to accompany and distinguish that important event; with Illustrations and Remarks drawn from the present situation and apparent tendencies of things both in Christian and Mohamedan Countries. By J. Bicheno, B. A. . . . . London: Printed by Bye and Law, St. John's Square, Clerkenwell; . . . . 1800 (Price two shillings and sixpence)."

ago; but those who attend most to the complicated providences of God are affected the least by momentary appearances.[6]

Bicheno unquestionably believed in the almost imminent restoration of the Jews with the assistance of one of the European powers. He feared, although he was careful only to hint at his fear, that this divine mission would be entrusted to France, then on the borders of the Holy Land, rather than to his own country.[7]

Bicheno's book led immediately to a reply by Thomas Witherby, whose title sufficiently indicates its scope. It runs:

Dedicated to the Jews. Observations on Mr. Bicheno's Book, entitled The Restoration of the Jews—The Crisis of all Nations: Wherein the Revolutionary Tendency of that Publication is shewn to be most inimical to the real Interest of the Jews, who are not to expect the Restoration to their own Land until they are, by the free Grace of the God of their Fathers, enabled to acknowledge his Justice, Righteousness and Mercy, in their long-continued Dispersion, and in the Preservation of their Nation amidst those awful Sufferings which they have endured under his righteous Judgments. Together with an Inquiry concerning Things to come; wherein it is shewn, That the greatest Persecution of the Jewish and Christian Churches is yet to come, and seems to be fast approaching; and that this great persecution will be the means, in the Hand of God, whereby true Christians will be taught to love one another more fervently, to consign their

[6] Pp. 5 and 6.

[7] Bicheno's book has been taken as a starting-point since one had to be found somewhere. Otherwise this paper would have had to deal with the whole of the vast English literature, to a very large extent mystical and prophetical, which treats of the restoration of the Jews. The transition from mysticism to practical proposals was so gradual as hardly to be perceptible. One ought to mention, however, other contemporary authors whose views, as expressed in their works, bear close relationship to those of Bicheno, and before all to Joseph Priestley (1733-1804), the theologian, scholar, scientist and political thinker, Thomas Newton (1704-1782), Bishop of Bristol, John Jortin (1698-1770), the divine and ecclesiastical historian, and Richard Hurd (1720-1808), Bishop of Worcester.

Divisions and Contentions to Oblivion, and to unite in honouring the Jews, who will be restored to the Favour of the God of their Fathers . . . . . London. Printed for the Author by S. Couchman, Throgmorton Street . . . .

The book is occupied to a large extent by a plea for the Church of England as against Rome and by a fierce denunciation of Revolutionary France.

Witherby followed this up four years later with a volume of dialogues.[8] The author's own *précis* of dialogue viii runs as follows:

Reasons given for the opinion, that previous to the great and most conspicuous return of the Jews to their own land, (which will be effected by the zeal of all nations, to do that which is most pleasing to the Lord God of Israel) there will be a partial restoration of many of them to their own land, which will probably be effected by the piety of Protestant powers, who may renounce their prejudices against them . . . .

Although Bicheno made no immediate response to these books of Witherby he did not remain permanently silent. In 1807 he published a second edition of "The Restoration of the Jews" to which he prefixed

Brief History of the Jews, from their first Dispersion, to the Calling of their Grand Sanhedrim at Paris, October 6th, 1806, and an Address on the present State of Affairs in Europe in General and in this Country in particular.

The book was published at a period almost of terror. Napoleon had mastered Europe and all the states and dynasties of the Continent were at his feet. The next object of his armies was expected to be the British Isles. His policy regarding the Jews had just displayed itself in the convening of the Great *Sanhedrin* and his further steps in this direction were con-

[8] "An attempt to remove Prejudices concerning the Jewish Nation. By way of Dialogue by Thomas Witherby . . . . London: Printed for the Author by Stephen Couchman, Throgmorton Street; . . . . 1804."

templated with misgiving. A fear was expressed lest Napoleon "the scourge of Europe" was meditating to make the Jews

the instrument of his ambition. And as in this case, our government would doubtless consider itself as necessitated to oppose his designs, we should thus be brought into a situation which every enlightened Christian must contemplate with grief and fearful apprehension.[9]

Such, roughly, was the position of the Jewish question of Palestine at the opening of the new era in which practical efforts took the place of dreams and theological disputations and the province hitherto monopolized by divines and philosophers was invaded by statesmen and other men of affairs.

This change in the attitude of English thought towards the question of the resettlement of the Jews in Palestine was marked by the beginning of the public activities of Sir Moses Montefiore (1784-1885), the philanthropist and Jewish statesman, whose life fills so large a place in the history of Anglo-Jewry in the nineteenth century and whose personality and efforts on behalf of his people formed one of the principal factors in securing for Anglo-Jewry during his lifetime the hegemony of the Jewish world. Montefiore retired from business in 1821 and he was henceforth free to devote himself entirely to public work. He paid in all seven visits to the Holy Land. The first was in 1827. On that occasion Montefiore saw little of the country, limiting his visit to Jerusalem and the immediate district, but when he returned eleven years later he traversed the land from north to south and he quickly realized the possibility of agricultural development by Jewish hands whereby benefit would be brought both to the land and to the Jewish people. It was at Safed that Lady Montefiore wrote in her diary

The cultivation of the land appears a fit occupation, if protection could be procured for property.

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[9] P. 70.

It was at Safed also that the representatives of the local Jews petitioned Montefiore to enable them to apply themselves to agricultural pursuits. They went so far as to draw up a detailed scheme for the settlement of Jews on the land in the neighborhood of the city and for the administration of the colonies thus established.[10] Finzi, the British consular agent at Acre, also entered heartily into the scheme and prepared a report on the land in the neighborhood of Safed from the point of view of a possible agricultural settlement.[11] The scheme for the settlement of the Jews in Palestine on which Montefiore decided at this period is given by him in his own words:

> In the first instance I shall apply to Mohammad Ali for a grant of land for fifty years; some one or two hundred villages: giving him an increased rent of from ten to twenty per cent, and paying the whole in money annually at Alexandria, but the land and villages to be free, during the whole term, from every tax or rate either of Pasha or governor of the several districts; and liberty being accorded to dispose of the produce in any quarter of the globe. This grant obtained, I shall, please Heaven, on my return to England, form a company for the cultivation of the land and the encouragement of our brethren in Europe to return to Palestine. Many Jews now emigrate to New South Wales, Canada, etc.; but in the Holy Land they would find a greater certainty of success; here they will find wells already dug, olives and vines already planted, and a land so rich as to require little manure. By degrees I hope to induce the return of thousands of our brethren to the Land of Israel. I am sure they would be happy in the enjoyment of the observance of our holy religion, in a manner which is impossible in Europe.[12]

Montefiore pursued the matter still further when he reached Alexandria. At an interview with Mehemet Ali, in whose

[10] "Notes from a Private Journal of a Visit to Egypt and Palestine, by way of Italy and the Mediterranean. [Not published.] London: Printed by Joseph Rickerby, Sherbourn Lane. 1844," pp. 367-377.

[11] *Ibid.*, pp. 377-380; see also pp. 380-410.

[12] "Diaries of Sir Moses and Lady Montefiore," edited by Dr. L. Loewe, 1890, vol. 1, p. 167.

hands the rule of Palestine then lay, he asked for concessions covering the lease of land and villages, free of taxes but subject to rental to be paid to the state, the introduction into the country of agricultural experts and a *firman* authorizing the establishment of banks at Beyrouth, Jaffa, Jerusalem and Cairo. Mehemet verbally expressed himself as thoroughly in favor of the scheme but he could never be got to grant the concessions for which he was asked or even to express his approval of the scheme in writing. Shortly afterwards he was forced by the powers to restore Palestine to the Sultan and with this event, his approval, real or assumed, lost its practical value.[13]

While Montefiore was in Palestine on this occasion he met there Andrew Bonar and Robert Murray M'Cheyne who had been sent by the General Assembly of the Church of Scotland to report on the condition of the Jews. Their report[14] was published in a volume which extended to almost six hundred pages and was so much sought after that it passed through three editions in the course of a year. Another measure of the interest displayed in the Jews of Palestine is shown by an announcement in the preface:

> During at least twelve months after returning home, scarcely a week passed wherein we did not receive some call to visit this or that other parish in order to tell orally the things we had seen and heard.

The end of the fourth decade of the nineteenth century was one of those recurring periods in which the attention of the English is specially directed towards Palestine, and from the beginning of that century onwards the English never looked towards Palestine without thinking of its Jews. The struggle

[13] *Ibid.*, pp. 196-203, 206.

[14] "Narrative of a Mission of Inquiry to the Jews from the Church of Scotland in 1839 . . . . Edinburgh: William Whyte and Co. 1842."

between the Sultan and Mehemet Ali, in which the Powers intervened, for the lordship of Palestine, the appointment of a British Consul at Jerusalem, Britain being the first of the Powers to take that step, the Damascus outrages which shocked the British conscience and moved Parliament and the City of London to protest, all combined to stir up an interest in the Holy Land. This interest was stimulated and guided by the wise choice of James Finn for the office of British Consul which happened to fall vacant a few years later, in 1845. Finn had for many years undertaken a practical study of Jews and the Jewish question. He had even acquired the Hebrew language the better to be of assistance to Jews who were in need of advice. His appointment coincided with the formal adoption by Britain of the Jews of Palestine as *protegés* and for the new charges he was an ideal protector. Throughout the period of his residence in Palestine Finn and his wife showed themselves true friends of the Jews. Every project for the amelioration of their condition secured their whole-hearted support. Their interest in the Jews of Palestine did not cease with their departure from the Holy Land and even to-day when Mrs. Finn has advanced some years in her tenth decade, she is still as active as a woman of her great age can be in the interests of the Jews of Palestine and of the future of the country as a Jewish land.[15]

The question of the restoration of the Jews to Palestine had meanwhile become a matter of sufficient importance to occupy considerable space in the periodical press. *The Times,* as the leading newspaper of the country, in particular devoted much attention to the subject. Lord Lindsay's "Letters on Egypt, Edom, and the Holy Land," London, 1838, in which he displayed a very sympathetic attitude towards the idea of the restoration of the Jews to Palestine, and the equally sympa-

[15] Mrs. Finn is still Secretary of the Syrian Colonization Fund or Society for the Relief of Persecuted Jews.

thetic review in the *Quarterly Review* of January, 1839, offered the occasion of a two-column article in *The Times* of 24th of that month and year, from which the following is taken:

> The writer . . . . has turned the public attention to the claims which the Jewish people still have upon the land of Israel as their rightful inheritance, and their consequent political importance in the progress of that great struggle which has already commenced in the East, and which threatens soon to absorb the regards and energies of the Old World, possibly of the New also. The subject may be new to many of our readers, but it is one deserving the solemn consideration of a people possessing an oriental empire of such vast extent . . . . No people on the face of the earth has been so little understood and so grossly misrepresented as the Jewish. . . . . A new era is, however, commencing.

At frequent intervals during the following two years there appeared references to the Jewish question in the East in connection with the Damascus affair. These culminated in the reports of the Parliamentary discussions and the great Mansion House meeting of protest, and, in our particular aspect of the question, in the following paragraph which appeared in *The Times* of March 9, 1840:

> RESTORATION OF THE JEWS.—A memorandum has been addressed to the Protestant monarchs of Europe on the subject of the restoration of the Jewish people to the land of Palestine. The document in question, dictated by the peculiar conjuncture of affairs in the East, and the other striking "signs of the times," reverts to the original covenant which secures that land to the descendants of Abraham and urges upon the consideration of the Powers addressed what may be the probable line of duty on the part of Protestant Christendom to the people in the present controversy in the East.

This document was printed in full in the issue of August 26. It was addressed specifically to the monarchs of Great Britain and Ireland, Prussia, the Netherlands, Sweden and Norway, Denmark, Hanover, Württemberg and the other rulers of Germany, the governments of the Protestant Cantons of

Switzerland and the United States. The memorandum abounded in mystical and Biblical references. The same issue of *The Times* contained two powerful letters advocating the restoration of the Jews to Palestine. The one by " An English Christian " appealed to the British people to buy Palestine for the Jews.

> It is theirs by a right which no other nation can boast, for God gave it to them, and though dispossessed of it for so many ages, it is still but partially peopled, and held with a loose hand and a disputed title by a hostile power, as if in readiness for their return. There are political reasons arising from the present aspect of affairs in Russia, Turkey, and Egypt, which would make it to the interest not only of England but of other European nations, either by purchase or by treaty, to procure the restoration of Judaea to its rightful claimants.

The other correspondent, F. B., urged just as strongly the recreation of a Jewish state in Palestine, arguing that such a solution would be to the advantage not only of the Jews and the land but also of the European powers including the rival bankrupt powers of Turkey and Egypt.

The Times did not stand alone in its sympathetic references to the Jewish claim to Palestine. Where it led, other periodicals followed. The most outstanding, however, of all the press references of this period to the resettlement of the Jews in Palestine was the article, nominally a review of Lord Lindsay's book,[16] in the January, 1839 issue of the *Quarterly Review* to which passing reference has already been made.

The writer whose identity with the Earl of Shaftesbury was an open secret, devoted most of his attention to the Jewish claim to the Holy Land, both superior to those of the rivals,

[16] Lord Lindsay, afterwards Earl of Crawford and Balcarres. Appended to the second volume is a report by John W. Farren, British Consul-General in Syria on " the present state and prospects of Syria ". He drew a vivid picture of the then terrible state of the country and its inhabitants.

Turkey and Egypt, and also a means of securing peace between them. He pleaded for still further British protection for the Jews of the East—a British Consul had then just been appointed to Jerusalem—and directed the attention of his readers to the coincidence of British and Jewish interests in the Holy Land. The seventh Earl of Shaftesbury, the philanthropist peer (1801-1885), was throughout his life an earnest adherent of the cause of the Jews in Palestine. A family connection of Lord Palmerston, a member of the leading English families, the *confidant* of the Queen and the Prince Consort, in the front rank among parliamentarians, and also a *persona gratissima* among the lowest classes, his influence was very considerable and it was always used to further Jewish interests. It was he who in the year 1840 undertook an enquiry regarding the attitude of the Jews themselves towards a prospective resettlement of the Jews in Palestine.[17] He records in his *Diary* under the date of July 24 of that year:

Anxious about the hopes and prospects of the Jewish people. Everything seems ripe for their return to Palestine; "the way of the Kings of the East is prepared." Could the five Powers of the West be induced to guarantee the security of life and possessions to the Hebrew race, they would now flow back in rapidly augmenting numbers. Then by the blessing of God, I will prepare a document, fortify it by all the evidence I can accumulate, and, confiding to the wisdom and mercy of the Almighty, lay it before the Secretary of State for Foreign Affairs.[18]

Shaftesbury accordingly propounded a scheme to Lord Palmerston, who was receptive but gave out little in return. However, as Palmerston himself told Shaftesbury a few weeks later, the conversation led to instructions to the British Ambassador at Constantinople "to open an intercourse with Reschid Pasha respecting protection and encouragement to the Jews." In the following month Shaftesbury put formally in writing for

[17] Given in detail in *The Times*, August 17, 1840.
[18] Edwin Hodder's "Life of Lord Shaftesbury," vol. i, p. 310.

the information of the Foreign Secretary his scheme for the resettlement of the Jews in Palestine.

> If the Governing Power of the Syrian provinces would promulgate equal laws and equal protection to Jew and Gentile, and confirm his decrees by accepting the four Powers as guarantees of his engagement, to be set forth and ratified in an article of the Treaty, the way would at once be opened, confidence would be revived, and, prevailing throughout these regions, would bring with it some of the wealth and enterprise of the world at large, and, by allaying their suspicions, call forth to the full the hidden wealth and industry of the Jewish people. There are many reasons why more is to be anticipated from them than from any others who might settle there. . . . . If we consider their return in the light of a new establishment and colonisation of Palestine, we shall find it to be the cheapest and safest mode of supplying the wastes of those depopulated regions. They will return at their own expense, and with no hazard but to themselves; they will submit to the existing form of government, having no preconceived theories to gratify, and having been almost everywhere trained in implicit obedience to autocratic rule; they will acknowledge the present appropriation of the soil in the hands of its actual possessors, being content to obtain an interest in its produce by the legitimate methods of rent or purchase. Disconnected as they are, from all the peoples of the earth, they would appeal to no national or political sympathies for assistance in the path of wrong; and the guarantee which I propose, for insertion in the Treaty to be carried out by the personal protection of the respective Consuls and Vice Consuls of the several nations, would be sufficient to protect them in the exercise of their right.[19]

Shaftesbury's hopes were not realized, but he did not despair. His ardor on behalf of the Jews did not cool.—He always wore a ring inscribed "Oh, pray for the peace of Jerusalem!"—He awaited the next favourable opportunity. This appeared to present itself in 1854 when Europe was on the verge of the Crimean War which originated in a quarrel over the decorations of a church at Bethlehem. As he remarked in his *Diary:*

> All the East is stirred; the Turkish Empire is in rapid decay; every nation is restless; all hearts expect some great thing; all

[19] *Ibid.*, pp. 313-314.

look to wars, convulsions, changes, new and wonderful issues; nothing, men fear, is to remain as it is . . . these vast and fertile regions will soon be without a ruler, without a known and acknowledged power to claim dominion. The territory must be assigned to some one or other; can it be given to any European potentate? to any American colony? to any Asiatic sovereign or tribe? Are there aspirants from Africa to fasten a demand on the soil from Hamath to the River of Egypt? No, no, no! There is a country *without a nation;* and God now in his wisdom and mercy, directs us to *a nation without a country.*[20]

Clarendon was then at the Foreign Office and Shaftesbury revived his proposals for the Foreign Secretary's information. At the same time he communicated with Sir Moses Montefiore to ascertain what would be the attitude of representative Jews towards the scheme if it had a chance of materializing. Clarendon communicated with Lord Stratford de Redcliffe in the matter, but the approaching crisis soon absorbed the attention of both the Foreign Office and the Embassy at Constantinople and once again the cause of the Jews in Palestine had to be set aside. Shaftesbury until the end of his life retained his deep interest in the present and future of the Jews in Palestine and also in the welfare of the Jews in the lands of oppression. When in 1882 the work for the employment of Jews in Jerusalem which had been inaugurated by the Finns was reorganized and the Society for the Relief of Distressed Jews, otherwise called the Syrian Colonization Fund, formed, Shaftesbury became its first president. He himself drafted the statement of the object of the society:

The object of this societv is to give relief and employment to Jews especially in the Holy Land, till increase of funds shall give us the means to enable them to form themselves into colonies on their own responsibility.

Shaftesbury was only one, albeit the most illustrious, of a group of Englishmen who interested themselves actively during the fifth and sixth decades of the nineteenth century in

[20] *Ibid.*, p. 478.

the question of resettling the Jews in Palestine. While the footprints of the Egyptian forces were still fresh in the land Colonel Charles Henry Churchill, who had travelled much in Syria and in fact later made his home there, came forward with proposals for the reëstablishment of a Jewish kingdom. He submitted them to Montefiore who, however, did not, at any rate at that time, feel disposed to encourage any political action. He, however, entrusted to Colonel Churchill, who was returning to the East, funds for distribution among the poor of the Holy Land.

Churchill coming under the influence of Montefiore had his ardor repressed. His projects were duly worked out on paper, but they were never published. Others of his contemporaries were able to proceed further. Thomas Tully Crybbace, an English clergyman, for instance, called a meeting in London for the formation of a British and Foreign Society for promoting the restoration of the Jewish Nation to Palestine. He published his speech as "A Statement to the Queen, the Parliament and the People of England, in favour of the Restoration of the Jews."[21] The arguments in his address were to a large extent Biblical and his attitude throughout was that of a Christian ecclesiastic. The Jews, he said, could not return to the land of their inheritance unaided. They were dependent on the stronger nations for assistance especially in the removal of the obstacles that lay in the way of the return. England, however, was the power that should convey the Jews back to their land. That nation was appointed to improve the land to rebuild the ruins.

[21] "Being a Speech delivered in the Hanover Square Rooms, on the Formation of the British and Foreign Society for promoting the Restoration of the Jewish Nation to Palestine, April 23, 1844. By the Rev. T. Tully Crybbace, A. M., Author of 'An Essay on Moral Freedom'; 'The Extent of Human and Divine Agency in the production of Saving Faith', etc. . . . . London, James Nisbet and Co., 21, Berners Street . . . . 1844. Price Sixpence."

The believing people of England are especially called upon and commanded to use the appointed means for accomplishing this work of God.

Apart altogether from prophecy, benevolence and generosity, the settlement of the Jewish people in Palestine was a political *desideratum* for England, with her great interests in India. It would be the consummation of her great religious record. The course proposed for England was to demand the surrender of the whole of Palestine, " from the Euphrates to the Nile, and from the Mediterranean to the Desert," from the Sultan and the release of the Jews by the Tsar and other oppressors. The address was printed and published as the first of what was to have been a series of pamphlets. Appended to it was a prospectus of the proposed society. Its first object was to excite interest in the British Isles and throughout the world in the restoration of the Jews. Assistance was expected from the Continent and from Jews in all lands. Lectures were projected in all parts of the country in order to rouse public opinion, and the British Government was to be urged to protect the Jews of Palestine and to secure their independence of Turkey. England was to free itself of the charge of blood guiltiness in assisting the oppressors of the Jews—Crybbace was intensely anti-Turkish—England's treaty with Turkey was morally void; nevertheless compensation should be made to Turkey. A second pamphlet in which the blessings—commercial, political and spiritual—which would accrue to England by the restoration of the Jews were to be recounted was promised, but does not seem to have been published.

A contemporary and somewhat similar project was that of Rev. Samuel Alexander Bradshaw who in " A Tract for the Times, being a Plea for the Jews," [22] also published in 1844,

[22] London: Edwards and Hughes, Ave Maria Lane. Price Sixpence.

emphasized the duty of the Christian states to restore the Jews to Palestine and as a means to this end proposed that Parliament should grant four million pounds provided that a further million be collected by the Churches.[23] The following year a third writer, E. L. Mitford, a member of the Ceylon Civil Service, who had lived some years in Morocco and the Levant and knew the Jewish population there, came forward with a proposal for the "reëstablishment of the Jewish nation in Palestine, under British protection."[24]

> Palestine, though now barren and desolate, requires only an active and industrious population, so abundant are its natural advantages of soil and climate, to restore its original fertility. . . . The advantages derivable to England from this measure are so great that it would almost appear that my real object was to benefit my own country, instead of advocating the cause of a proscribed and harmless race; but so true is it . . . . . that the protection afforded to this people would quickly return in blessings on England and be felt in the wretched hearts and homes of the poor manufacturers of Manchester, Birmingham and Glasgow.

His plan was

> the re-establishment of the Jewish nation in Palestine as a protected state, under the guardianship of Great Britain, during a period to be regulated by their advances towards the present state of knowledge and enlightened civilization. Secondly, their final establishment, as an independent state, whensoever the parent institutions shall have acquired sufficient force and vigour to allow of this tutelage being withdrawn, and the national character shall be sufficiently developed, and the national spirit sufficiently recovered from its depression to allow of their governing themselves. . . . . [This] would be attended with political advantages of incalculable importance to Great Britain, tending to restore the

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[23] Bradshaw was not permanently depressed by the failure of this effort to have any powerful influence upon public opinion. Forty years later he returned to the subject, see *infra*, p. 163.

[24] "An appeal in behalf of the Jewish Nation, in connection with British Policy in the Levant. By E. L. Mitford, Esq., Ceylon Civil Service . . . . London: J. Hatchard and Son, 187, Piccadilly, 1845."

balance of her power in the Levant, and giving her the command of a free and uninterrupted communication with her Eastern possessions. . . . . The re-establishment of the Jewish Nation in Palestine under British protection would retrieve our affairs in the Levant, and place us in a commanding position from whence to check the progress of encroachment, to over-awe open enemies, and if necessary, to repel their advance, at the same time that it would place the management of our steam communication entirely in our own hands.

Of all this group of advocates of the restoration of the Jews to Palestine with British assistance, the most important was Colonel George Gawler (1796-1869) who had been governor of South Australia and on his return from that colony devoted the greater part of his activity to the Jewish cause. Gawler had the advantage over his fellow-writers of being both an administrator and a colonization expert and with these recommendations was able to acquire a wider and more attentive audience in Jewish as well as in non-Jewish circles. In his own words:

It has happened to me, under Divine providence, to have been the local founder of the finest colony in proportion to its duration, that has ever yet appeared in the world; and I may therefore soberly aspire to be, further, an adviser of the foundation of the most important colony, that the world will perhaps ever witness—the first Jewish colony in Palestine.

He put forward his proposals in 1845 in "Tranquillization of Syria and the East. Observations and Practical Suggestions in furtherance of the Establishment of Jewish Colonies in Palestine; the most sober and sensible remedy for the miseries of Asiatic Turkey."[25] Gawler's proposals being more moderate were certainly more practical than those of his colleagues,

[25] "By Lieut. Colonel George Gawler, K. H., M. R. G. S., Late Governor and Resident Commissioner of South Australia . . . . London: T. & W. Boone, New Bond Street. 1845". Gawler also took part in the campaign for the political emancipation of the Jews in England and in 1847 he published as a pamphlet a series

against which he protested as "wild schemes," but as in theirs the cornerstone of his scheme was British protection. To him the tragedy of Palestine a land now a desert, but once flowing with milk and honey, and capable of a return to its former prosperity, was only less keen than the tragedy of the Jewish people. The desolation of Palestine, he said, was forcing itself on the minds of the English people and they were beginning to look around for a remedy. The answer he gave them was:

Replenish the deserted towns and fields of Palestine with the energetic people, whose warmest affections are rooted in the soil.

In his opinion the energy of the Jewish people alone can save Palestine and the East. He proposed the gradual colonization of Palestine by Jews, small experimental colonies being established in the first instance. It was, however, essential to his scheme that Britain should undertake the protection of the colonies. He went into detail regarding the system of government which was to have been autonomous so far as local affairs were concerned and in external matters to have been under the control of the British Consul acting in consultation with the Turkish representatives. The initial expenditure involved in this scheme of colonization was to be borne by the nations that have in the past persecuted the Jews and by those who owe them a debt for the religious teachings they have received. On England in particular this obligation rests, and as evidence of the persecution the Jews suffered in England in the Middle Ages, Gawler quoted Scott's *Ivanhoe*. England's unselfishness for the Jews, he said, would react beneficially on the poverty prevalent in England. He proposed to divide the expenditure involved in the colonization of Palestine into two portions; the

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of letters which he had contributed to *The Morning Herald*, under the title, "The Emancipation of the Jews indespensable for the Maintenance of the Protestant Profession of the Empire; and, in other respects, most entitled to the support of the British Nation."

one unavoidable, the other extraordinary. The former should be met by the Government, the latter by private subscriptions.

Gawler's proposals, or to be more exact the suggested Jewish colonization of Palestine, were not unsympathetically received by the English press. *The Spectator*[26] in particular approved of the suggestion which, it was pointed out, would very materially benefit not only the Jews but also Turkey, Syria and the peoples of the land. *The Spectator* had no desire to withdraw Palestine from Turkish rule, but suggested that to safeguard the interests of the new population England, or a committee of European Powers, should guarantee the due performance of the contract that would have to be agreed to by the Ottoman Government and the representatives of the Jews. In the Jewish community Gawler gained the sympathy and encouragement of *The Voice of Jacob* and of Sir Moses Montefiore whom he accompanied on his visit to the Holy Land in 1849. The disturbed condition of the Near East rendered it impossible for any practical action to be taken in furtherance of Gawler's objects at that time, but he did not permit his disappointment to turn him aside from his goal.

In 1853 he published a second pamphlet in advocacy of the restoration of the Jews to Palestine.[27] In this he urged that Britain was the divinely appointed agent to secure this end and in assuring the security of Jewish settlements in Palestine, Britain would at the same time be furthering her own interests.

Divine providence has placed Syria and Egypt in the very gap between England and the most important regions of her colonial and foreign trade, India, China, the Indian Archipelago and Australia. She does not require and wish for increase of territory—already has she (that dangerous boon), more direct do-

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[26] July 5, 1845, p. 638.

[27] "Syria and its near Prospects; the substance of an address delivered in the Young Men's Christian Association Lecture Room, Derby, on Tuesday, 25th January, 1853. With an appendix . . . . London: Hamilton, Adams & Co."

minion than she can easily maintain; but she does *most urgently* need the shortest and the safest lines of communication to the territories already possessed. . . . . Egypt and Syria stand in intimate connection. A foreign hostile power mighty in either, would soon endanger British trade and communications through the other. Hence the loud providential call upon her, to exert herself energetically for the amelioration of the condition of both of these Provinces. Egypt has improved greatly by British influence, and it is now for England to set her hand to the renovation of Syria, through the only people whose energies will be extensively and permanently in the work—the real children of the soil, the sons of Israel.

Gawler mentioned three societies that were at that time working for the resettlement of the Jews in Palestine. There was the Association for Promoting Jewish Settlements in Palestine in the work of which Jews and Christians were coöperating. There was the Society for the Promotion of Jewish Agricultural Labour in the Holy Land, under Christian (including baptized Jewish) auspices. There was Warder Cresson's American project which was entirely in the hands of Jews. Gawler thought the task was one that could be performed by neither Jew nor Christian unaided. Success could come only in response to the coöperation of Jew and Christian, but the Jew must not be subservient to the Christian. These conditions were met only by the first of these three societies and it was therefore to the Association for Promoting Jewish Settlements in Palestine that he gave his support. The moving spirits in this association were Abraham Benisch, the editor of *The Jewish Chronicle,* a prominent Anglo-Jewish scholar and man of affairs who, when a student at Vienna University, had been interested in the resettlement of Jews in the Holy Land, Solomon Sequerra of a well-known family of Anglo-Jewish physicians, and Montague Leverson, for the Jews, and William Henry Black, the antiquary, John Mills, author and Calvinistic Methodist divine, Sir Hugh Owen, the promoter of Welsh education and philanthropist, and Alfred

Hall, for the Christians. The program of the Association was (1) to obtain a concession from the Porte of land, at that time waste and useless, lying between the cities of Safed and Tiberias, (2) to secure for the settlement which it was proposed to make there local autonomy in accordance with the general Turkish policy towards the non-Moslem populations of the Empire, (3) to render whatever assistance might be required by the proposed colonies in their infancy so that they might in due course become virile and self supporting. The Association proposed to act in the first place by getting the British and foreign governments to make representations on their behalf to the Porte.

The Society for the Promotion of Jewish Agricultural Labour in the Holy Land justified its appeal for funds by the success of the three small efforts that were already in being for the useful employment of the Jews of Jerusalem,[28] and by the progress made by a baptized Jew, one Meshullam, who was farming in the neighborhood of Jerusalem and whose efforts were so much appreciated that he had then recently been offered by the Sultan a concession of Cæsarea and the neighbouring district on condition that he undertook to rebuild the city and to cultivate the land.[29] The London Committee that undertook to collect funds for the furtherance of the objects of that Society consisted of William Robert Fremantle, Dean of Ripon, Thomas Goodwin Hatchard, afterwards Bishop of

[28] "Abraham's Vineyard", founded by the British Consul Finn and his wife; the House of Industry for men established by the Society for Promoting Christianity among the Jews; and an institution for the employment of Jewish Women and Children managed by a Miss Cooper.

[29] Meshullam had a romantic career. Born in the Jewish quarter of London, he had wandered in many capacities over several countries, being at one time in the service of the poet, Lord Byron, before he finally settled in Palestine. He was murdered by villagers at his farm at Urtas near Jerusalem.

Mauritius, Captain Henry L. Layard, William Marsh, Canon of Worcester, Alexander M'Caul, the well-known Hebraist and missionary to the Jews, J. M. Strachan and R. Trotter. Warder Cresson's project does not fall within the scope of this paper. Moreover, it has been ably dealt with by Max J. Kohler in No. 8 of these *Publications*. Suffice it to say that Cresson and his friends got into communication with the Association for Promoting Jewish Settlements in Palestine and that the coöperation between them was whole-hearted.

The Association for Promoting Jewish Settlements in Palestine which afterwards developed into the Palestine Colonization Fund, continued its efforts for some years and succeeded so far in the political field as to obtain a statement from the Turkish minister in London, who was speaking on behalf of his government, to the effect that Jews were welcome to settle in all parts of the Turkish dominions, either becoming Ottoman subjects or retaining their own nationality. In the former case free grants of land would be made to them. They would for a period of twelve years be exempt from taxation and would enjoy a large measure of autonomy in all local affairs.[30]

Between the dates of Gawler's first and second pamphlets a Church of England clergyman, Arthur George Harper Hollingsworth, entered the field on the same side. His first work on this subject, "The Holy Land Restored; or an Examination of the Prophetic Evidence for the Restitution of Palestine to the Jews," published in 1849, was of a theologico-mystical character. It was followed three years later by a pamphlet of a more serious description, "Remarks upon the Present Condition and Future Prospects of the Jews in Palestine," London, 1852, which quickly passed into a second edition. In this he advocated the creation of a Jewish state in Palestine, partly in the interests of the British Empire in order to safeguard the overland route to India. The Jews required the help

[30] See the Montefiore *Diaries, supra*, vol. ii, pp. 285-6.

of a mighty power like England. They wished to return to Palestine and England should use its influence at the Porte to secure them citizen rights there. The settlement of Jews in Palestine would bring great advantages to Turkey and to England. If England were to say to Turkey: "Jews shall have Syria," the Islamic fatalism of the Turks would cause them to imagine the matter as completed. There would thus be no difficulty. There was a growing belief that if only some of the leading men among the Jews were to appeal for the restoration, all would come right. The Christians must arouse the Jews and assist them. The restoration was immediate practical politics and must not be delayed. The restoration of the Jews was the only practical solution of the Eastern Question. The difficulties of the holy places could only be solved by making Jerusalem a free city governed by Jews, with Palestine under British protection. Jews all over the world must be told to prepare and be assured of England's protection. Jewry contains the elements necessary for the formation of a nation. No miracle was required to effect the first restoration. The restoration was necessary to give dignity to Jewry. On England devolved the duty of assisting towards this restoration if only to prove the truth of religion as revealed in the Bible, for it was England's mission to preserve the truth. Such was Hollingworth's argument.

In 1855 Montefiore paid his fourth visit to Palestine. Although circumstances had been opposed to his plans for the regeneration of the Holy Land by Jewish hands, he had by no means abandoned them. They had merely been put aside until a more favorable opportunity offered. One of the purposes of this visit was the administration of the Judah Touro bequest for the benefit of the Palestinian Jews, of which he was a trustee. He broke his journey at Constantinople to obtain interviews with the British Ambassador, Lord Stratford de Redcliffe, and the Sultan in furtherance of his agricultural

scheme, and about the same time he secured the sympathy of the Foreign Secretary, Lord Clarendon, and the Prime Minister, Lord Palmerston. But the times, those of the Crimean War, were not propitious, and no active assistance was forthcoming either in London or Constantinople. Montefiore nevertheless persevered in the foundation of a small agricultural settlement at Bukeah near Safed, where a few Jewish families had been already for some generations employed on the land, and at Tiberias. The experiments were, however, not successful. Every circumstance seemed to combine against them, and after a brief career they were both abandoned. In the neighbourhood of Jerusalem also Montefiore purchased some land on which he set Jews of the city at work. At Jaffa he at the same time purchased a garden. The following year he returned to Palestine to ascertain how his enterprises there were progressing. On the journey he met Laurence Oliphant who

> took a great interest in all matters relating to the Holy Land, and conversed freely with him on certain schemes which might seem to improve the condition of its inhabitants.[31]

The Crimean War led to one further appeal for the restoration of the Jews to Palestine, by which in addition to some payment on account of Christendom's debt to Jewry, one of the most serious sources of contention and strife among the powers of Europe would it was hoped be permanently removed.[32] A few years later two other protagonists—Thomas Clarke, a doctor of medicine of Wilmslow, and David Brown, Professor of Theology at Aberdeen—appeared in the field. Clarke's first contribution was a pamphlet entitled " Palestine for the Jews "

[31] *Ibid.*, ch. vi-viii.

[32] " The Crisis and the Way of Escape. An Appeal for the Oldest of the Oppressed. Touching the Origin of the Present War, and Conditions of Durable Peace. London: Houlston and Stoneman, 65, Paternoster Row. 1856. Price Sixpence."

in which he set out to prove that the restoration of the Jews to their own land was not only a prophetical but also a political necessity. Within a few months he followed this with a second pamphlet [33] in which, as the title indicates, emphasis was laid on the supreme importance of Palestine to the connection between Britain and India. In his opinion an occupation of Acre was essential to British interests, and with Acre must go the whole of Palestine. Of all peoples the Jewish is the one that has the best claim to the Holy Land. The English have in the past shown themselves to be their true friends and in the future also the Jews may be assured of their protection. The English and the Jews are in fact natural allies and with their coöperation Palestine could be made the homeland of the Jews and at the same time a bulwark of the British Empire. Brown published the same year "The Restoration of the Jews: The History, Principles, and Bearings of the Question." This was of a mystical and Biblical rather than a political or practical character.

Clarke had used the vehicle of *The Jewish Chronicle* for placing his views before the Jews and it was the same medium that ten years later Isaac Ashe used for urging on the Jews the development

> of a national population sufficiently numerous and sufficiently free-spirited and self-reliant to be able to assert, in due time, national independence and self-government according to the representative institutions of England.

The immediate means to this end was a wide system of irrigation which would restore the ancient proverbial fertility of the land, extending its boundaries to the Euphrates on the East and the River of Egypt on the South. Incidentally he sug-

[33] "India and Palestine: or, the Restoration of the Jews, viewed in relation to the Nearest Route to India. In two parts, with a map. By Thomas Clarke, M. D., Wilmslow . . . . Manchester: Wm. Bremner and Co., 11, Market Street (1861)."

gested the construction of a canal to Akabah at the head of the Red Sea which would serve as an alternative to the Suez Canal and assure a second route to India and the Far East. Ashe, like his predecessors in the field, saw that this alternative road to the East through Palestine made the question of the future of the country one of paramount importance to Britain. He also recognised that it was to England's interest to have a self-supporting free Jewish people settled in the land and, if only in her own interests, Britain ought to go far to secure that end. Ashe proposed the formation of an Anglo-Jewish chartered company working in coöperation with the Turkish Government.[34]

In the meantime the work of the Palestine Exploration Fund was arousing among its officers in Palestine an interest in and in some instances an enthusiasm for the settlement of Jews in the Holy Land. Lord Shaftesbury took a prominent part in its work in England and of his interest in Jewish settlements in Palestine it is at this stage unnecessary to speak. Another home official, Rev. Horrocks Cocks, frequently took advantage of meetings of the Fund and other occasions to advocate the resettlement of the Jews in Palestine. Contemporary with them in Palestine Sir Charles Warren (*b.* 1840) showed sympathy with the Jewish inhabitants; Lord (then Lieutenant) Kitchener (1850-1916) came across the Jewish village of Pekiin (the Bukeah of Montefiore's experiment) and was much interested in it. His function in Palestine he interpreted not only as that of an archæologist, but also as that of a statesman. He examined the land with a view to its regeneration and looked forward to "the bright future that seems to be about to dawn on that land." Sir Charles Wilson (1836-1905) publicly announced the sympathy he had always felt with the Jewish colonization of Palestine.

[34] *The Jewish Chronicle*, February 10, March 3 and 17, June 30, 1871; September 13, 1872.

But of all connected with the work of the Fund the man who threw himself most enthusiastically into the cause of the restoration of the Jews to Palestine was Colonel Claude Reignier Conder (1848-1910). By his pen and on the lecture platform he did his utmost to further the cause. He wrote frequently in the Jewish as well as in the general press and was ever ready to assist the work of the *Chovevé Zion,* the Jewish society for the resettlement of the Jews in Palestine. As early as 1878 he showed how the land was very different from the desert it was generally depicted and that with a tolerable government and an industrious population little difficulty would be encountered in restoring its ancient prosperity.

None are better fitted to carry out these improvements, and to direct the present population in agriculture, than the descendants of the ancient conquerors who made hewers of wood and drawers of water of the aboriginal population. The energy, industry and tact, which are so remarkable in the Jewish character, are qualities invaluable in a country whose inhabitants have sunk into fatalistic indolence.[35]

Conder entered thoroughly into the scheme of Laurence Oliphant to establish a Jewish colony in the Land of Gilead and at once placed at his disposal his unique knowledge of the land and peoples of Palestine. For the successful colonization of Trans-Jordania, however, he considered a railway, preferably from Haifa, an absolute essential.

Fourteen years later in the era of the *Chovevé Zion* after several promising projects had come to naught, Conder was none the less steadfast in his belief in the possibilities of the successful Jewish colonization of Palestine. Speaking in London in 1892 he said:

It has always seemed to me that the future element of prosperous colonization is to be found among the Jews of Eastern Europe. . . . . A people which has not only been able to live, but

[35] *Ibid.*, October 25, 1878, "The Colonization of Palestine."

which has prospered more than the native born population, under Russian tyranny, will not find it difficult to prosper as subjects of the Sultan. . . . . It is from the oriental Jewish agricultural class, expelled from Russia for their religion, that the colonists most naturally fitted for agriculture in Syria may evidently be drawn.[36]

The previous year he pleaded the same cause in the pages of *Blackwood*.[37] He showed that while people were doubting and discussing whether Jews could ever become successful agriculturists, the Jews themselves were engaged in producing practical evidence for the affirmative. The colonization of Palestine by the Jews would benefit not only Turkey but also Britain, for not only are the Jews as a people friendly towards England, but the creation of a new centre of attraction would deflect from England a considerable portion if not the whole of that immigration which a party in England seemed so anxious to avoid. Oliphant's scheme had proved impracticable in 1880 but conditions had since changed and many of the difficulties had disappeared. What was impracticable then was now possible. The only difficulty in the way of the prosperity of Palestine was misgovernment. This would have to cease if the Jews were to colonize the land; friction with the other elements in the population could easily be avoided. A prosperous Jewish Palestine would mean another granary for England.

It was this period, especially the earlier portion of Conder's activities, that was most fraught with successful possibilities for the resettlement of the Jews in Palestine. It in effect coincided with the first period of the resettlement itself, that in which the older of the existing agricultural colonies in the Holy Land were established. It also coincided with the Russo-

[36] "Eastern Palestine. A Lecture delivered for the Western Tent of the Chovevi Zion Association by Claude Reignier Conder, D. C. L., LL. D., Major, R. E., Author of 'Tent Work', 'Heth and Moab', 'Palestine,' &c. J. Sebag-Montefiore, Esq., in the Chair. Chovevi Zion Association. 11, Bevis Marks, E. C. 1892."

[37] June, 1891, pp. 856-870.

Turkish War and the occupation of Cyprus and Egypt as two of its consequences. Readers will have noticed that whenever the Eastern Question became acute the interest among the English in the Jewish resettlement revived. This was true of the era of Mehemet Ali and of the period of the Crimean War. It was even true of Napoleon's Egyptian and Syrian campaign and it was none the less true of the Russo-Turkish War and the Berlin Congress. There were writers and dreamers then, such as B. Walker who spent some time at Haifa and as a consequence wrote a book [38] in which he advocated the restoration of the Jews to Palestine by one or more of the great Powers. The press devoted frequent and sympathetic attention to the subject. But this era differed from all its predecessors in that two definite schemes were prepared by representative Englishmen and pushed some distance on the way to success. One is justified in saying that at least one of them would have come to fruition if an unfortunate change of government in England had not dashed the cup of success from Oliphant's lips.

Laurence Oliphant (1829-1888), novelist, mystic, diplomatist, politician, publicist, belonged to a well-known Scottish family. He had had a varied and adventurous career in all parts of the world. It will be remembered that many years previously while on the way to China as a member of the staff of Lord Elgin, he had met Sir Moses Montefiore and discussed the subject of a Palestinian settlement with him. In 1879 he went to Palestine in order to be able to study the question more thoroughly. He was soon satisfied of the practicability of the settlement of the Holy Land by Jews. In "The Land of Gilead, with Excursions in the Lebanon" (1880) he described

[38] "The Future of Palestine as a Problem of International Policy: and in connection with the requirements of Christianity and the expectation of the Jews, by B. Walker. Nisbet and Co., 1881."

the land on which he proposed the first settlement should be made and sketched his scheme. His proposals met with widespread and gratifying approval. He had the support of the British Government and the sympathetic ear of the Porte. His project was unquestionably drawn in the interests of Turkey and of no other power. He had with him the encouragement of Jew and Christian. But in the midst of his negotiations England underwent a change of government. The Turks had not the same confidence in Gladstone as in Beaconfield and Salisbury; also Oliphant's project had always been looked upon in Turkey as a British scheme and that which had at first been its strength, later became its weakness. The proposals for the resettlement of the Jews in Palestine were now looked upon with suspicion, and one of the fairest prospects of solving the Palestinian question faded away like a mirage.

Oliphant's project was, in his own words,

> To obtain a concession from the Turkish government in the northern and more fertile half of Palestine. . . . . Any amount of money can be raised upon it, owing to the belief which people have that they would be fulfilling prophecy and bringing on the end of the world. I don't know why they are so anxious for this latter event, but it makes the commercial speculation easy, as it is a combination of the financial and sentimental elements which will, I think, ensure success. And it will be a good political move for the Government, as it will enable them to carry out reforms in Asiatic Turkey, provide money for the Porte, and by uniting the French in it, and possibly the Italians, be a powerful religious move against the Russians, who are trying to obtain a hold of the country by their pilgrims. It would also secure the Government a large religious support in this country, as even the Radicals would waive their political in favour of their religious crochets. I also anticipate a very good subscription in America.[39]

The creation of a self-supporting Jewish settlement on a considerable scale in Palestine would, in Oliphant's opinion, have

[39] "Memoir of the Life of Laurence Oliphant" by Margaret Oliphant W. Oliphant, 1891, vol. ii, p. 169.

been to the advantage of Turkey, the Jews and Britain. The success of the scheme would show Turkey how her empire could be strengthened by decentralization and the grant of autonomy, how her future could be secure without foreign interference and how the two great *desiderata*—an industrious, law-abiding population and capital—could be attracted. The advantages of a self-supporting, autonomous settlement, so far as the Jews were concerned, were so obvious as hardly to need mention. Britain with her great interests in Turkey desired only the preservation of the *status quo* accompanied by peace and general contentment among the populations of the Empire. The course proposed by Oliphant would tend towards such peace and contentment. Of all the provinces of Turkey, Palestine was the one whose future was of most concern to Britain.

> Political events in the East have so shaped themselves, that Palestine, and especially the provinces to the East of the Jordan, owing to their geographical position, have now become the pivot upon which of necessity they must ultimately turn. Situated between the Holy Places at Jerusalem and the Asiatic frontier of Russia, between the Mediterranean and the Red Sea, between Syria and Egypt, their strategic value and political importance must be apparent at a glance; and the day is probably not far distant when it may be found that the most important interests of the British Empire may be imperilled by the neglect to provide in time for the contingencies which are now looming in the immediate future.[40]

His proposals were in no way directed against the integrity of Turkey. As a friend of Turkey it was England's duty to assist her to carry them out.[41]

Oliphant's scheme embraced the formation of an Ottoman chartered company or corporation for the colonization of a

[40] "The Land of Gilead," p. xxxi.

[41] "Haifa, or Life in Modern Palestine," published in 1887, sums up Oliphant's views on Jewish colonization after he had gained some experience of it.

tract of a million and a half acres in the Land of Gilead in Eastern Palestine. The immigrants from the Russian Pale of Settlement and Roumania as well as from the Turkish dominions would become Ottoman subjects if they were not so already. The scheme would bring into cultivation a rich tract of country, at present unproductive.

It would be a reform involving no expense to the Porte, but, on the contrary, be the means of providing it with an immediate sum of money to be derived from the sale of lands. It would prove to Europe that the Jews found greater facilities for toleration and protection in Turkey, than in some Christian countries.

Oliphant, who when he entered into a matter entered into it thoroughly, had carefully explored the whole of Palestine before he decided upon the Land of Gilead as the site of the proposed colony. His preparations had been fully made when he approached the Porte for a concession. In his application he was fortified by the personal support of the British Prime Minister, Lord Beaconsfield, and the Foreign Secretary, Lord Salisbury, and was assisted in every possible manner by the Ambassador at Constantinople, Sir A. H. Layard, who had always showed a living interest in the welfare of the Jews of Palestine. The French Foreign Minister, M. Waddington, also gave him much encouragement. Above all King Edward VII, then Prince of Wales, looked up to throughout his life by the oppressed Jews of Eastern Europe as their friend and protector, and Prince and Princess Christian entered fully into his plans and gave him as much encouragement and support as was consistent with their position.

Oliphant's proposal at first found much favor both with the Sultan and his government. They were examined in detail by the Turkish Foreign Office and possible amendments discussed. The change of government in England, however, altered the whole aspect of affairs, and one of the most promising schemes for the regeneration of Palestine by Jewish hands was shattered.

Prevented by circumstances from realizing his statesmanlike scheme, Oliphant was nevertheless enabled almost by chance to assist in the first stage of the modern Jewish colonization of Palestine which has been in progress since the beginning of the eighties until the present day. While he was living at Haifa a party of Roumanian Jewish colonists arrived there only to find themselves stranded in deep distress and miles from their destination. The agents who had been sent in advance to purchase land for them, had allowed themselves to be cheated and as a consequence the preparations which should have been made for the reception of the colonists and their conveyance over the last stage of their journey to their new home had been neglected. Oliphant, however, showed himself the friend in need of these wanderers. Not only did he assist them out of his own pocket and aid materially in bringing the negotiations between them and the owners of the land on which they were to settle to a satisfactory conclusion; he was also the means of bringing the colony to the notice of Europe and above all of the philanthropist-statesman, Baron Edmund de Rothschild. Thanks to a large extent to Oliphant's services Zammarin, near Haifa, is now one of the largest and most prosperous of the numerous Jewish colonies with which the land of Palestine is studded.

The Jewish victims of the massacres in Russia as well as those who suffered cruel treatment in Roumania, found ready sympathy in the heart of Oliphant who promptly placed his services at the disposal of the London Mansion House Committee for the relief of the sufferers. By that body he was commissioned to visit the East of Europe in order to report on the local conditions as well as to relieve distress. When he arrived in Roumania he found himself in the midst of a Jewish population that was stretching out longing arms in the direction of the Holy Land. Oliphant immediately resigned his commission and set out for Constantinople in the hope of

resuming, and with more success, the negotiations that had been interrupted a year or two previously. England was, however, then still less in favor at the Porte than it had been previously. Oliphant instead of obtaining a concession for a considerable Jewish settlement in Palestine had to concentrate his attention on preventing the withdrawal of permission to individual foreign Jews to settle in the Turkish dominions. In this he had the support of the American legation but only partially succeeded. Oliphant subsequently settled at Haifa where he remained one of the most valuable friends the Jewish colonists had, until his death while on a visit to England in 1888.

Contemporary with that of Oliphant was another well thought-out scheme for the regeneration of Palestine under joint British and Jewish auspices. Edward Cazalet was a successful British industrialist with factories in Russia where he had come into contact with the Jewish population. His pity for their sufferings there was equalled by a belief in their character and capacity and a desire to assist them to escape from their land of bondage. He recognized the call that Palestine has for the Jew and at the same time felt how closely that region was bound up with British interests. He first published his views on the future of Palestine in an address, subsequently issued as a pamphlet, to a workingmen's club in London in 1878.[42] Here he drew attention to the overwhelming British interests in Palestine, and urged the necessity of a British protectorate. England, he pointed out, had always felt an interest in the welfare of the Jews and a British protectorate over Palestine would enable them to return to that land. The following year in an election address which he published sub-

[42] "The Eastern Question: an Address to Workingmen." Cazalet also pressed for a British protectorate over Palestine in "The Berlin Congress and the Anglo-Turkish Convention," published the same year.

sequently as a pamphlet,[43] he developed these views. He contended that the regeneration of Syria and Palestine, prevented by Palmerston when Mehemet Ali was willing to undertake it, was both morally and politically essential to England, and could be effected only by the restoration of the Jews. To secure this England must create the conditions under which Jews would of their own accord emigrate to Syria and Palestine. The first of these conditions was the introduction of law and order under a British protectorate. The second was the undertaking of a great work such as the construction of a railway from the coast to the Euphrates Valley which would afford immediate occupation for thousands of emigrants and at the same time assume the permanence of the British protectorate. As another means of attracting and assuring a large Jewish immigration he advocated the establishment of a Jewish university in the Holy Land. He concluded:

Nobody who has any knowledge of the Jewish character can for a moment doubt that if the Jews were restored to their country under an English protectorate they would prove true to our nation, and that Syria would become as firmly united to England as if it were peopled by our countrymen.

Cazalet pressed forward his project and gained much support for it, but the causes that ruined the equally if not more promising venture of Oliphant rendered all his efforts also nugatory. Cazalet later very considerably modified his proposals and endeavored to obtain from the Porte a concession for the settlement of Jews in any part of Asiatic Turkey the Government might select, he and his friends on their part undertaking to devote a very considerable sum to the development of the region. But at this time any British proposal aroused suspicion and all Cazalet's efforts came to nothing.

[43] **"England's Policy in the East: Our Relations with Russia and the Future of Syria," by Edward Cazalet, 1879.**

The failure of the great schemes of Oliphant and Cazalet did not mean the end of British interest in the resettlement of the Jews in Palestine or even lead to a cessation of the flow of publications on the subject. George Nugée, a Church of England clergyman, and Henry Wentworth Monk, a theological writer who as long ago as 1859 had dabbled with the future of the Jews, among others, both spoke and wrote on the subject.[44] The former advocated a Jewish state under British protection, the latter under a joint protectorate of the Powers. Monk pressed for the formation of an Anglo-Jewish West Asian Company for the development of the country. Three years later Samuel Alexander Bradshaw, who had been active for the cause in the forties, published a new pamphlet "The Trumpet Voice, *Modus Operandi* in Political, Social and Moral Forecast concerning the East," wherein amid mystical rhapsodies he stated that Jews have an inalienable heritage which must eventually return to them, and at the same time, that a fresh field for commercial enterprises was needed to relieve the social misery which prevailed. This would best be done by allowing the Jews to regenerate Palestine. To further this end England should annex Palestine to Egypt. Israel's return to Palestine would prove a bond of solidarity between the nations. For the material means of regeneration he expected to find twenty or more millionaires, each of whom would devote half a million pounds to the object in order to discharge his responsibilities on earth.

The *Chovevé Zion* movement as a movement is scarcely within the scope of this paper. From 1887 until the opening of Theodor Herzl's propaganda the movement was active in England where it secured influential sympathizers in non-Jewish circles. The *Chovevé Zion* was however essentially a

[44] "England and the Jews: Their Destiny and Her Duty," by George Nugée, 1881; for Monk see *The Jewish Chronicle*, November 25, 1881.

continental movement. Its achievements were secured under continental pressure. No definite piece of work emanated from England. The function of the English *Chovevé Zion* was to support and assist the efforts of their colleagues on the Continent. In this respect the Herzl movement was similar. From the date of the first congress until the outbreak of the European War the centre of the Zionist movement was never in England and Anglo-Jewish thought had little influence on its decisions. In England it also had many non-Jewish sympathisers but their sympathy was for the most part merely verbal, and seldom proceeded beyond a solitary letter or speech. The British Government went beyond that in regard to the El-Arish and the East African projects, but the latter had no relation to the subject of this paper and the former very little. Nevertheless the sympathy expressed and shown in those negotiations by British Ministers with the Jewish longing for the resettlement was a considerable asset, a seed of whose ultimate harvest there is some promise. Of the latest developments of the subject of this paper, it is as yet too soon to speak. All that one can say is that the chapters that cover the past three years when they come to be written, will be by no means the least interesting of the story.[45]

[45] See also, the writer's pamphlet. "British Projects for the Restoration of the Jews," 40 pp. [London], 1917, which forms "Publication No. 1" of the British Palestine Commission.

WHEN DID JERUSALEM SURRENDER TO ANTIOCHUS SIDETES?

By Solomon Zeitlin, Ph. D., Th. D.

More than once, Josephus informs us, the Holy City was besieged and captured between the time of Alexander the Great and the War of Vespasian. First the Syrian kings and later the Roman generals had occasion to demand her surrender.[1] To ascertain the date of these events has its value not only for Jewish, but also for general history, as affecting the relations of the Jews to the Syrians and the Romans.

We read that in the time of John Hyrcanus, the son of Simon, Jerusalem was besieged by Antiochus VII Sidetes, whom the Jews called Pious (חסיד)[2] in contradistinction to Antiochus IV, nicknamed by them the wicked (רשיעא). Although Josephus specifies the date of that invasion of Judea, it is nevertheless a problem to historians[3] because he gives two dates that are contradictory.

[1] Josephus enumerates eight occasions during the Second Commonwealth when Jerusalem was captured or surrendered. First, by Ptolemy, son of Lagos, *circa* 320 B. C. E. As to the capture of Jerusalem by Antiochus IV (twice), by Antiochus V, by Pompey and by Sosius, full chronological discussions will be found in my work entitled "*Megillath Taanith* as a Source for Jewish History and Chronology in the Hellenistic and Roman Periods" (now in the press). The other two are the destruction by Titus (summer of 70 C. E.) and that which forms the subject of this paper.

[2] Εὐσεβῆ πάντες ἐκάλεσαν ; Ant., xiii, 8, 2.

[3] See I. Scaliger, *Opus de Emendatione Temporum*, Geneva, 1627, pp. 107-8; Niese, *Geschichte der Griechischen und Makedonischen Staaten*, iii; Unger, *Die Seleukidenära der Makkabäerbücher*, in *Sitzungsberichte der Münchener Akademie, philos., philol. und hist. Cl.*, 1895, pp. 272-3.

It is stated that Antiochus invaded Judea *τετάρτῳ μὲν ἔτει τῆς βασιλείας αὐτοῦ, πρώτῳ δὲ τῆς Ὑρκανοῦ ἀρχῆς, ὀλυμπιάδι ἑκατοστῇ καὶ ἑξηκοστῇ καὶ δευτέρᾳ* (*Ant.*, xiii, 8, 2), in the fourth year of his own reign, and in the first of Hyrcanus' rule, in the one hundred and sixty-second Olympiad.

That these dates do not agree can be seen from the following consideration. The fourth year of Antiochus we know, according to coins, to have been 136-135 B. C. E.[4] According to the generally accepted view the first year of Hyrcanus' administration was 135-134,[5] (although elsewhere I have shown that Simon was killed in the month of Shebat (February), 136 B. C. E. Consequently we must assume that the first year of Hyrcanus' rule was 136-135 B. C. E.).[6]

On the other hand the 162nd Olympiad (Attic) began July, 132 B. C. E., and continued to July, 128 B. C. E., (the Attic Olympiad is the original Olympiad calendar which dates from July, 776 B. C. E.) or, Macedonian system, which extends from the Autumn of 133 to the Autumn of 129 B. C. E.

(The Macedonian Olympiad calendar is a modified form of the original Olympiad calendar. It was adapted by the Macedonians to fit into their established system, whereby the year began in the Autumn, while the Attic year began in July. For the Macedonians, the Autumn of 776 B. C. E. was marked as the beginning of the year II of the first Olympiad. The fraction of the preceding Olympiad was computed as a full

[4] The coins of his first year indicate 174 A. Sel., *i. e.*, 139-138 B. C. E., (*Babelon*, p. cxl), but according to Porphyry Antiochus VII became king Ol. 160-4 = 138-137 B. C. E. This discrepancy is removed by the consideration of Porphyry having used the Macedonian Olympiad system (see below in the text) which is 139-138 B. C. E.

[5] See Schürer, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, 3d ed., i, p. 259, note 5.

[6] See my work above cited, ch. ii.

year. This system of the Olympiad was used by Castor, Porphyry and others.[7] I have shown elsewhere that a similar method was adopted by the Jews when they adopted the Era Seleuci; and used in the first book of Maccabees.)[8]

To say that the Olympiad notation is wrong will not do;[9] for we find it corroborated by Eusebius and Porphyry. They both tell us that in the third year of the 162nd Olympiad, Jerusalem surrendered *Anno Tertio centesima sexagesima secunda.*[10] Likewise we find it hard to believe that the war lasted from 135 B. C. E. to 131 B. C. E., for in that case Josephus would have commented on its length.[11]

Carefully examining the narrative, we see that the event could not have taken place in the first year of Hyrcanus. According to Josephus when Ptolemy killed his father-in-law Simon the Asmonean and two of his sons, the remaining son, John Hyrcanus, hearing of the treachery of his brother-in-law, managed to reach Jerusalem and to assume the office of High Priest. After offering his sacrifice to God, he led an army against Ptolemy. The latter retiring to Dagon near Jericho, Hyrcanus began the siege of that fortress; he had, however, to desist from besieging Dagon because of the approach of the Sabbatical year.[12]

Had Antiochus in that Sabbatical year (*i. e.*, the first year of Hyrcanus) besieged Jerusalem, then Josephus, who com-

[7] Unger *supra*, pp. 300-316; also my work, mentioned above, ch. ii-iii.

[8] See my work, *supra;* see also, *infra*, p. 171.

[9] Niese, *supra; idem., Zur Chronologie des Josephus* in *Hermes*, 1893, p. 225.

[10] Eusebius, *Chronicon Hieronymo Interprete*, Venice, 1769, vol. viii, p. 581; Porphyry, *Chronica Regum Macedonum*, vi, § 18; Müller, *Frag. his. Graec.*, iii; Reinach, *Textes d'auteurs grecs et romains relatifs au Judaisme*, Paris, 1895, p. 206.

[11] See Schürer, *supra.*

[12] Compare *Ant.*, xiii, 7, 3-8, 12.

ments on the suffering of the Jews in the city, as in other cases, would have attributed the suffering to the fact of its being a Sabbatical year.[12]

I venture to suggest a new solution to this chronological difficulty, for Antiochus attacked Judea not in the first, but in the fourth year of Hyrcanus which is 133-132 B. C. E. The passage in Josephus is corrupt. The word πρώτῳ was not intended as a modifier of year, but the determinative of Hyrcanus, calling him Hyrcanus the First, in distinction from his grandson Hyrcanus, the son of Alexander, while the word "fourth" really belonged to Hyrcanus' year of rule *i. e.*, "the fourth year of Hyrcanus the First." To write fourth year of Antiochus' reign is not in accordance with the custom of Josephus in dating Jewish incidents. He usually gives the dates according to the Seleucidæan Era or in terms of Olympiads. Only with the advent of Augustus does he introduce the years of the Roman rulers.

That the word "first" could have been applied to Hyrcanus receives support from a passage in *Ant.*, XVIII, 4, 2, when in speaking of the construction of the Antonia, Josephus says it was built by the High Priest Hyrcanus, "the first of many of that name."

In the passage in which we have detected the textual corruption the Scribe apparently not understanding the appositeness of the word πρώτῳ and not being accustomed to ordinals after names of priests, and considering it a fitting modifier of "year" solved the difficulty as best he could by making "fourth" apply to the year of Antiochus, and "first" to the year of Hyrcanus. In fact, the fourth year of Antiochus is the first year of Hyrcanus. Direct proof of this correction we cannot adduce, but from hints elsewhere we derive a certain assurance.

[12] *Ibid.*, xii, 9, 5; xiv, 16, 2.

In the book published under the title "Wars of the Jews" by Joseph ben Gorion, London, 1673, we read:

In the fourth year of King Hyrcanus' reign, Pius, King of Greece, came and besieged Jerusalem with great power and state.

Of interest also, is a statement in דברי מלכות בית שני printed with *Seder Olam Rabba,* published in Mantua, 1513, which informs the reader that

What we are going to say is taken from the books of Joseph Hakohen ben Gorion and from other books—true facts.

The narrative relates that Antiochus invaded Jerusalem in the fourth year of Hyrcanus' reign:

בימי הורקנום המלך בשנת ארבע למלכו עלה פיוס מלך יון על ירושלים.

These two books are based on *Josippon,* although in *Josippon* itself we find the same reading as in all extant editions of Josephus. It is clear that these two texts were based either on a text of *Josippon* where the reading differed, or on some other text, even of Josephus, wherein reference was made to the fourth year of Hyrcanus.

This assumption that Antiochus invaded Judea in the fourth year of Hyrcanus, that is to say 133-132 B. C. E., is in full accord with the other statement of Josephus that the invasion occurred in the 162nd Olympiad, namely, in the first year thereof, which according to the Macedonian system corresponds to the period from the Autumn of 133 to the Autumn of 132 B. C. E.

That the Macedonian system of the Olympiad Era was used by Josephus is clearly shown by the following instances: Josephus tells us, in the name of Castor, that the battle of Gaza was fought between Nicator and Demetrius in the eleventh year after the death of Alexander the Great, in the 117th Olympiad.[14] Now the eleventh year after the death of Alexander ends with June, 312 B. C. E. Alexander as we know

[14] *Contra Apionem,* i, 22.

from Plutarch died either in May or in the beginning of June, 323 B. C. E.,[15] whereas the 117th Olympiad only began in July, 312 B. C. E. Consequently, it must be assumed that this Olympiad is computed according to the Macedonian system, in which the 117th Olympiad began in the Autumn of 313 B. C. E.

We also see this computation in another passage which is of great importance to Jewish history, a passage which is still misunderstood by historians.[16] According to Josephus, *Ant.,* XII, 7, 6 the rededication of the temple in the time of the Asmoneans took place in the month of Kislev, 148 Era Seleuci and in the 154th Olympiad. These two dates are contradictory. The year 148 A. S. corresponds to the period from the Autumn of 165 to the Autumn of 164 B. C. E. while the 154th Olympiad began only in July, 164 B. C. E. According to the Olympiad notation the rededication of the Temple could not have taken place in Kislev of any other year but the year 164 B. C. E. As a result many scholars are of the opinion that the Olympiad notation is wrong,[17] while others place the event at *Hanuka,* Kislev, 164.[18] The two dates, however, are in agreement. The Olympiad notation is according to the Macedonian system in which the Olympiad of 154 began in the Autumn of 165 B. C. E. and the rededication of the Temple according to both statements of Josephus was in Kislev, 165 B. C. E.[19]

Even assuming that this notation, 162nd Olympiad, is not computed by the Macedonian system, but rather by the Attic

[15] Plutarch, Alexander, see Clinton, *Fasti Hellenici,* vol. ii, pp. 176-178.

[16] See Scaliger, *supra;* Niese, *Geschichte, supra,* and *Zur Chronologie, supra;* Unger, *supra;* Reinach's note in his *Oeuvres Complètes de Flavius Josèphe: Ant.,* xii, 7, 6, p. 109.

[17] Reinach's note, *supra.*

[18] Bevan, " The House of Seleucus," London, 1902, p. ii.

[19] See my work above cited, ch. iv.

system, in which according to Josephus the siege took place, my assumption is nevertheless justified, namely, that Antiochus invaded Judea at the close of the summer of 132 B. C. E., which according to both systems was the first year of the 162nd Olympiad; and after laying the country waste, laid siege to Jerusalem "in the time of the great downfall of rain at the setting of the Pleiades" (November, *Heshvan*).[20] The siege lasted until the next Feast of Tabernacles, when, according to Josephus, Hyrcanus sent Antiochus proposals for a seven day truce. Antiochus consented to this truce and sent animals for sacrifice to Hyrcanus. Hyrcanus was favorably impressed and sent his ambassadors to discuss terms of peace, which were approved soon after.

This, then, is the capitulation of Jerusalem which took place in the Autumn of 131 B. C. E. In the Macedonian system it corresponds to the third year of the 162nd Olympiad, quite in agreement with the statement of Eusebius and Porphyry.

NOTE.—The Seleucidean Era owes its origin to the victory over Demetrius at Gaza of Seleucus Nicator in the summer of 312 B. C. E., at which time the Seleucidean dynasty was founded. All the cities and nations which accepted this era conformed it to their established systems of new years. The Jews, likewise, when they accepted this era, adapted it to fit in with their established reckoning of years, which began in the autumn with the first of Tishri and in conformity with their rule that a part of a year is computed a chronological year. Therefore, the interval between the victory at Gaza and the succeeding Tishri was considered "year one,"—with Tishri, 312 began the year two of the Era Seleuci.

First Maccabees being written for Jews and in Hebrew and in Palestine, it was quite natural for the author to use the chronology which was adopted by the Jews. For a full discussion of this subject, see my work above cited, ch. ii. Compare *supra*, p. 167, note 8.

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[20] δυομένης πλειάδος the setting of the Pleiades was in November. Pliny, *Hist. Nat.*, ii, 47: *post id. aequinoctium diebus fere quattuor et quadraginta Vergiliarum occasus hiemem inchoat, quod tempus in iii. idius Novembres incidere consuevit.*

JEWS IN THE WAR OF 1812.

By Leon Hühner, A. M., LL. B.

Our second war with England did not strike a responsive chord in the hearts of the American people. A very large part of the nation opposed it, and aside from naval successes, such as Perry's victory, there is little to arouse enthusiasm. The engagements on land were for the most part a series of disasters.[1]

This lack of enthusiasm may possibly account for the fact that there is comparatively little material available in this connection. While hundreds of works have been written concerning the American Revolution, and while a great many of the states have published lists of their soldiers and officers in other wars, few of the states have as yet published such lists concerning the War of 1812. The number of men engaged in the latter was a very small one, and the government found few volunteers. In fact it was only by a system of extravagant bounties that a substantial force was brought together at all.[2]

Despite the paucity of published material, however, the writer has been able to find the names of quite a number of Jews who participated, and to their honor be it said, practically all of these had volunteered almost at the start.

At the time when war was declared, there were probably less than three thousand Jews in all the states put together,[3] yet in proportion to their number, they were well represented in the

[1] See Harper's "Encyclopedia of United States History," 1905, vol. x, p. 126, *et seq.*

[2] *Ibid.*

[3] See Hannah Adams, "History of the Jews," 1812, vol. ii, pp. 215, 220. In a discourse delivered in 1818, Major M. M. Noah estimated the Jewish population of the United States at that date at 3000.

army. The North was of course most affected, the South being comparatively unmolested until the last year of the struggle.

After the first few disasters, General Dearborn was superseded by General Wilkinson as commander-in-chief, and the latter on October 17, 1813 ordered the troops to embark at Sacketts Harbor.[4] Before morning, however, a furious gale came on and fifteen boats were lost. It was in this connection and in the events which followed, that an American Jew, Captain Mordecai Myers, particularly distinguished himself.

Myers was born at Newport, Rhode Island, in 1776. His father was a Hungarian, his mother an Austrian.[5] He was educated in New York City and later removed to Richmond, Virginia, where he became a merchant. While there, he served in a military company under Colonel, afterward Chief Justice, Marshall. Returning to New York he served in an Artillery Company under the command of Captain John Swarthwort; and later, commissioned an officer of infantry, he studied military tactics for two years. When war was threatened he was active in raising volunteer companies, and in March, 1812 was commissioned a Captain in the 13th United States Infantry and ordered to report to Colonel Peter B. Schuyler.[6]

[4] See Benson J. Lossing, "Pictorial Field Book of the War of 1812," p. 646.

[5] *Ibid.*, p. 654. See "Reminiscences, 1780-1814. Letters written by Major Myers to his son," privately printed, p. 6. "My father was a Hungarian and my mother an Austrian by birth, and arrived in New York in 1760 but soon removed to Newport where I was born May 31, 1776." He also states that his father became a friend of Ezra Stiles, subsequently president of Yale College, who was intimate with many of the Jews at Newport.

[6] See Lossing, *supra*, p. 654; "Reminiscences," *supra*, pp. 13-46; Cassie Mason Myers Julien, "Biographical Sketches of the Bailey-Myers-Mason Families, 1776-1905," privately printed, 1908, pp. 1-33. This volume contains two fine portraits of Mordecai Myers. See also, Henry S. Morais "The Jews of Philadelphia," Philadelphia,

His service at Sacketts Harbor is perhaps best described by Mr. Lossing, from whose "Field Book of the War of 1812" I quote the following:

> The flotilla was scattered in every direction, and the gloomy dawn revealed a sad spectacle. The shore of the islands and the main were strewn with wrecks of vessels and property. Fifteen large boats were totally lost and many more too severely damaged to be safe. For thirty-six hours the wind blew fiercely, but on the 20th, there having been a comparative calm for more than a day, a large proportion of the troops with the sound boats, arrived at Grenadier Island.
>
> Captain Mordecai Myers was very active in saving lives and property during this boisterous weather. It was resolved to send back to Sacketts Harbor all who could not endure active service in the campaign. Nearly two hundred of these were put on board two schooners with hospital stores. The vessels were wrecked and Captain Myers at his own solicitation was sent by General Boyd with two large boats for the rescue of the passengers and crew. He found the schooners lying on their sides, the sails flapping and the sea breaking over them. Many had perished and the most of those alive, having drank freely of the liquors among the hospital stores, were nearly all intoxicated. The hatches were open and the vessels were half filled with water. By great exertion and personal risk, Captain Myers succeeded in taking to the shore nearly all of the two hundred persons who had embarked on the schooners; forty or fifty were dead.[7]

The next move of the Americans under General Brown was an attempt to attack Montreal. The English marched from Kingston to Prescott and then forward to meet the American

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1894, p. 459; Isaac Markens, "The Hebrews in America," New York, 1888, pp. 127-128. As to his military career see "Military Minutes of the Council of Appointment of the State of New York, 1783-1821, compiled and edited by Hugh Hastings, State Historian," Albany, 1901, vol. ii, pp. 980, 1089, 1383; Thomas H. S. Hamersly, "Complete Regular Army Register of the United States, 1779-1789," Washington, 1880, pp. 74, 101, 112, 140, 153; Francis B. Heitman, "Historical Register and Dictionary of the United States Army, 1789-1903," Washington, 1914, vol. 1, p. 740.

[7] Lossing, *supra*, p. 646.

invader. A severe engagement took place November 11, 1813 at Chrysler's Farm a few miles below Williamsburg. The Americans were beaten, forced to retreat and the Montreal expedition was abandoned.[8]

At the battle of Chrysler's Farm, Captain Myers was among those who were severely wounded. The wounded were placed in barns and log-houses, and the Chrysler Mansion was made a hospital. Lossing tells us that

> a bullet passed through Captain Myer's arm near his shoulder, while at the head of his men in assailing the British behind a stone wall. The desperateness of the encounter may be conceived, when the fact is stated that of eighty-nine men he lost twenty-three. He shared General Boyd's quarters at French Mills. Dr. Man a noted physician took him to his house ten miles distant, where he remained four months. He there became acquainted with the daughter of Judge William Bailey of Plattsburg and in March following they were married in that town.[9]

The New York Public Library possesses quite a collection of letters written by prominent people to Captain Myers; among these I found one written in 1814 by James Kent, subsequently the famous chancellor, mentioning the fact that Miss Bailey had called on him, and promising to do all he could in regard to his request for promotion in the army.[10] Lossing says:

> During the remainder of the war Myers performed laborious and gallant service under several commands in the Northern Department and in 1815, the disability produced by his wound,

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[8] Harper's "Encyclopedia," *supra*, p. 124.

[9] Lossing, *supra*, p. 654; "Return of the killed and wounded of a Detachment of the United States Army in an Action fought at Williamsburg in Upper Canada on the 11th of November, 1813," printed by Rev. S. Williams in "Sketches of the War between the United States and the British Isles," Rutland, Vt., 1815, p. 219, Henry M. Brackenridge, "History of the Late War," 1844, p. 173: and authorities mentioned in Note 6.

[10] New York Public Library, Bailey-Myers Collection (MSS.), vol. vii, No. 654.

caused him to be disbanded and placed in the pension roll for the half pay of Captain. This ended his military career.[11]

Later he became Mayor of Schenectady and also represented New York City in the state legislature for about six years.[12] The collection of letters referred to shows that he was on intimate terms with men of prominence, such as Van Buren and Horatio Seymour.[13]

After his marriage, Myers became estranged from the Jewish community. His family were reared as Christians and added their mother's name. His son was the late Theodorus Bailey-Myers [14] and the Bailey-Myers family is still socially prominent in New York.

Following the gloomy occurrences referred to, came the news of Perry's victory on Lake Erie, and it may be of interest to mention that Commodore Perry subsequently acquired and lived in the old Levy homestead at Newport, a house which had also belonged to one of the Seixas family, and which is still one of the landmarks of that city.[15]

Among New York Jews who figure in the military annals of the War of 1812, are the following:

Aaron Levy, a son of Hayman Levy and son-in-law of Isaac Moses. Levy's father is remembered as a prominent merchant

[11] Lossing, *supra*, p. 654, and authorities mentioned in Note 6. His sword and other relics of his military career are preserved in the National Museum at Washington.

[12] *Ibid.* He was also prominent in Masonic affairs. See McClenachan, "History of Freemasonry in New York," vol. iii, p. 395; Samuel Oppenheim in *Publications of the American Jewish Historical Society*, No. 19, pp. 39, 99.

[13] New York Public Library, Bailey-Myers Collection, *supra*, vol. ii, Nos. 1734, 1836; vol. vi, Nos. 841, 845.

[14] Cassie Mason Myers Julien, *supra;* "Reminiscences," *supra.* It is curious, however, that both these publications omit the first name of the subject throughout, always referring to him only as Major M. Myers, so that while the sketches are otherwise complete, the name "Mordecai" nowhere appears.

[15] George C. Mason, "Reminiscences of Newport."

during the Revolution, while his father-in-law was a patriot who had assisted the American cause financially.[16] Aaron Levy became Paymaster in the 6th Regiment of Infantry as early as 1800,[17] and was First Lieutenant of the First Brigade, Artillery, Second Regiment, in 1810.[18] He became Captain and Paymaster in 1812, and garrisoned the northern battery in New York.[19] In 1815 he appears as Second Major in the Third Regiment, Artillery,[20] and later in the same year as First Major in the 9th Regiment, Artillery.[21] In May, 1816, he was Lieutenant-Colonel of that regiment.[22]

Bernard Hart, the father of the late Emanuel B. Hart,[23] was Division Quartermaster during the War.[24] He was the grandfather of Francis Bret Harte, the distinguished novelist.[25]

[16] Hazard's "Register of Pennsylvania," vol. ii, p. 259; Max J. Kohler, in *Publications*, *supra*, No. 2, p. 86; No. 3, p. 84; Leon Hühner, in No. 23, p. 173.

[17] "Original MS. Diary of Aaron Levy," in possession of his descendant, Lionel Moses, of New York; "Military Minutes of the Council of Appointment," *supra*, vol. i, pp. 489, 818.

[18] *Ibid.*, vol. ii, p. 1132.

[19] *Ibid.*, p. 1297; "Military Papers of Daniel D. Tompkins, Governor of New York," Albany, 1902, vol. i, p. 451; vol. iii, p. 85; Levy Diary mentioned in Note 17.

[20] "Military Minutes," *supra*, vol. ii, p. 1603; Levy Diary above referred to.

[21] *Ibid.*, p. 1649; Diary.

[22] *Ibid.*, vol. iii, p. 2137; Diary.

[23] N. Taylor Phillips, in *Publications*, *supra*, No. 4, p. 211.

[24] See *New York Leader*, June 19, 1858: "He provided substantially to the defense of New York at the appeal of Governor Tompkins and Tompkins appointed him Division Quartermaster which he fulfilled honorably till the close of the war." See also Henry Childs Merwin, "The Life of Bret Harte," New York, 1911, p. 5; "Military Minutes," *supra*, vol. i, pp. 368, 489, 509, 818; vol. ii, pp. 1219, 1297.

[25] Bernard Hart had married a Gentile early in life. His second wife, however, was a Jewess. A son by the first union was brought up as a Christian by his mother. This son, Henry Hart, was the father of Bret Harte. See Merwin, *supra*, p. 6.

The records of the Council of Appointment show the following Jewish officers: Hayman Solomon, Captain of the 10th Brigade, 115th Regiment;[26] Captain Abraham Seixas, who became Second Major of the 10th Brigade Infantry, 4th Regiment, in 1815;[27] Captain Moses B. Seixas;[28] and Captain Solomon Seixas of the 5th Regiment, Second Brigade Infantry, who became Second Major of the 51st Infantry in 1816.[29] Mention is also made of the Seixas Company of Colonel Van Hook's Regiment in 1814.[30]

Haym M. Salomon, son of the well-known Haym Salomon of the Revolution, is mentioned in 1812, successively as Lieutenant and Captain of the First Brigade, Infantry.[31]

Members of the family of Jonas Phillips, a soldier in the Revolutionary War, figure in these records also. Thus Dr. Manuel Phillips[32] served as assistant surgeon in the war[33] and under date of September 27, 1812 is found a letter from Governor Tompkins, of New York, recommending Naphtali Phillips for the position of Paymaster. The letter written to the Paymaster-General of the United States reads:

As Mr. Naphtale Philips has been recommended to me for Paymaster for the militia in service at New York, and as I know him to be worthy and competent, should you think proper upon his giving such security as General Armstrong may approve to make remittance to him, I have no doubt he will discharge the duty

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[26] "Military Minutes," *supra*, p. 1383.

[27] *Ibid.*, pp. 1158, 1089, 1644, 1650.

[28] *Ibid.*, pp. 1159, 978, 1089.

[29] *Ibid.*, pp. 1139, 1647, 979, 1044, 1140; vol. iii, pp. 1910, 2093, 2115.

[30] "Military Papers of Daniel D. Tompkins," *supra*, vol. i, p. 725; vol. ii, p. 647.

[31] "Military Minutes," *supra*, vol. ii, pp. 1299, 1383, 1175, 1732.

[32] N. Taylor Phillips, in *Publications*, *supra*, No. 2, pp. 60, 61.

[33] Morais, *supra*, pp. 416, 426, 477; Simon Wolf, "The American Jew as Patriot, Soldier and Citizen," Philadelphia, 1895, pp. 76, 86; "Pennsylvania Archives," 6th Series, vol. vii, p. 424.

with fidelity and ability and therefore recommend him for the situation.[34]

Both Captains Seixas and Levy figure in Governor Tompkins' *Correspondence* of the period.[35]

In the records of the Council of Appointment may also be found the name of Sampson Simson, subsequently one of the founders of Mt. Sinai Hospital in New York. He is mentioned as ensign in Captain Davis's Company in 1802,[36] as Lieutenant in the company of his kinsman Joseph Simson in 1803,[37] and upon the latter's resignation he became Captain of the same company, which position he retained throughout the war.[38]

Samuel Noah, a cousin of Major Mordecai M. Noah, was graduated at West Point in 1807, and became an ensign. Later, while on duty at the Florida frontier, he became intimate with Captain Winfield Scott and Wade Hampton.[39] Promoted to 1st Lieutenant, he resigned in 1811 but volunteered after war was declared. Not being recommissioned, he served as a private in Captain Dunning's company for the defense of Brooklyn, then being fortified to repel the anticipated descent of the British on Long Island, and continued in service to the end

[34] "Military Papers of Daniel D. Tompkins," *supra*, vol. iii, p. 150.

[35] *Ibid.*, vol. i, pp. 300, 725, 451.

[36] "Military Minutes," *supra*, vol. i, p. 586.

[37] *Ibid.*, p. 664.

[38] *Ibid.*, pp. 664, 724; see also, pp. 449, 465, 664, 724; vol. ii, pp. 1603, 2244.

[39] For a full and appreciative account of his career see General George W. Cullum's "Biographical Sketches of Deceased Graduates of the United States Military Academy," quoted by Max J. Kohler, in *Publications*, *supra*, No. 4, p. 91; Simon Wolf, "Mordecai M. Noah," p. 46; Hamersly, *supra*, p. 58; Heitman, *supra*, p. 749.

of the war.[40] General George W. Cullum in his sketch of Noah's career says:

> His services were most zealous and untiring, his military education, practical knowledge and quick intelligence proving powerful auxiliaries to his patriotic devotion to duty.[41]

Besides those mentioned, the book of Hon. Simon Wolf also includes Jacob and Benjamin Hays and Col. Nathan Myers as soldiers during the same period.[42]

Quite a number of Jewish volunteers came from Pennsylvania; among these were Benjamin Gratz, a son of Michael Gratz, a Revolutionary patriot of Philadelphia, who enlisted in 1813 at the age of twenty-one under General Thomas Cadwalader, and served as Second Lieutenant in Captain John Swift's Company of Pennsylvania volunteers;[43] his kinsman Joseph Gratz served in the First Regiment, Philadelphia Calvalry[44] and Simon Gratz in the 25th Regiment, Pennsylvania Militia.[45] Joseph Phillips a son of Jonas Phillips,[46] a Revolutionary soldier, served throughout, and later became secretary of the Illinois territory.[47] Abraham Mitchell,[48] and David G.

[40] Same as Note 39; Simon Wolf, "The American Jew," *supra*, pp. 35, 38.

[41] Same as Notes 39 and 40. According to General Cullum, Noah's resignation was due to his failing to get promotion to which he was clearly entitled. His career was most romantic and full of adventure.

[42] Wolf, *supra*, p. 70; Guernsey, "New York City during the War of 1812." I have however been unable to find his name in any of the synagogue records.

[43] "Pennsylvania Archives," 6th Series, *supra*, vol. vii, pp. 523, 94, 529; vol. viii, p. 592; lieutenant, p. 570; Morais, *supra*, p. 459.

[44] "Pennsylvania Archives," supra, vol. vii, pp. 60, 857, 860.

[45] *Ibid.*, p. 96. [46] See *Publications*, *supra*, No. 2, p. 61.

[47] See "The National Advocate," March 13, 1817: "Joseph Phillips late of the Army of the United States to be Secretary of the Illinois Territory." Also Morais, *supra*, p. 459; Wolf, *supra*, p. 71; *Publications*, *ibid.*, "Pennsylvania Archives," *supra*, p. 397; vol. viii, p. 398; vol. ix, p. 268.

[48] Morais, *supra*, p. 459; Wolf, *supra*, p. 70.

Seixas, a son of Rev. Gershom Seixas, the patriot Jewish minister of the American Revolution,[49] likewise figure as soldiers during the war.

Isaac De Young, a native of Rotterdam in Holland, came to this country when a child, and at the age of sixteen enlisted in the Third New Jersey Heavy Regulars. He took part in the battles of Sackett's Harbor, Queenstown, Frenchtown, Fort George, Stony Creek, Lake Champlain, Georgetown, Oswego, Chippewa and Lundy's Lane. In the battle last mentioned, he was severely wounded, but served to the end of the war, during which he became a friend of Winfield Scott, subsequently the well-known general. De Young died in 1868 and is buried in the Jewish Cemetery of Philadelphia.[50] Other Jewish soldiers were Abraham Solomon[51] and Samuel S. Solomon who served in the 24th Regiment, Pennsylvania Militia,[52] Daniel Levi who served as sergeant,[53] Louis Levy,[54] Lewis Levi of Lancaster,[55] Samuel Israel,[56] Abraham Nones, who served in the State Fencibles,[57] and Abraham B. Nones in the First Pennsylvania Volunteer Infantry.[58]

In addition to the foregoing, the following are mentioned as Jewish soldiers from Pennsylvania in the work of Hon.

[49] *Ibid.* He died at South Bend, Indiana, in 1880.

[50] See "General Society of the War of 1812," 1908, Pennsylvania, p. 45, *et seq.*, which contains a long account of his career. Also Morais, *supra*, pp. 459-460; Wolf *supra*, p. 72; Albert M. Friedenberg, in *Publications, supra*, No. 17, p. 41.

[51] "Pennsylvania Archives," *supra*, pp. 206, 633.

[52] *Ibid.*, p. 92.

[53] *Ibid.*, p. 392; vol. viii, pp. 1005, 1008, 1011, 1013.

[54] *Ibid.*, p. 1420.

[55] *Ibid.*, pp. 1113, 1115, 1119, 1122.

[56] *Ibid.*, vol. ix, p. 143.

[57] *Ibid.*, vol. viii, p. 393.

[58] *Ibid.*, vol. vii, pp. 481, 487; vol. viii, p. 398; vol. ix, p. 143. He was in all likelihood a son of Major Nones, a well-known Jewish soldier in the American Revolution.

Simon Wolf, though I do not know his authority for including them:[59] Jacob Appel who served in Captain Samuel Borden's Company, Fourth Detachment;[60] Jacob and Samuel Bachman;[61] Sergeant Samuel Goodman who served in Captain George Zieber's Company, First Regiment, Second Brigade; Corporal Abraham Gunsinhouser, of Captain Jacob Wentz's Company, 52d Regiment;[62] Private Jacob Haas, of Captain George Dinckey's Company, 18th Section of Riflemen;[63] Ezekiel Jacobs of Captain Cotter's Company, First Detachment, First Brigade;[64] Henry Loeb, of Captain Jacob Ashey's Company, First Regiment;[65] First Lieutenant Isaac Mertz, of Captain Middleswarth's Company, Battalion of Riflemen;[66] Lieutenant David Metzler;[67] Corporal Daniel Metzler, of Captain Beckwith's Company; Private Joseph Metzgar, of Captain Diller's Company, Second Brigade; Ensign Samuel Meyer, of Captain Hess' Company of Riflemen from Northhampton County; Private Jacob Miller, 101st Regiment; Myer Mordecai, Pennsylvania Volunteers; Isaac Moses, Second Regiment; Jacob Moser; Adjutant Isaac Myers, 1st Regiment;[68] Private Samuel Phillips, 1st Detachment of 1st Brigade;[69] Jacob Rosensteel, of Williamson's Company, Second Brigade, Pennsylvania militia;[70] Abraham Shatz, of Zieber's Company, 1st Regiment,

[59] Wolf, *supra*, pp. 68-72.

[60] "Pennsylvania Archives," *supra*, vol. viii, pp. 1124, 1127.

[61] *Ibid.*, vol. vii, pp. 212, 547, 548, 552, 556; vol. viii, pp. 383, 551, 757.

[62] *Ibid.*, vol. vii, p. 144; vol. viii, p. 800.

[63] *Ibid.*, p. 355; vol. ix, p. 174.

[64] *Ibid.*, vol. viii, pp. 346, 369, 376.

[65] *Ibid.*, vol. vii, pp. 372, 399; vol. viii, pp. 846, 925, 927.

[66] *Ibid.*, p. 436.

[67] *Ibid.*, p. 166.

[68] *Ibid.*, vol. viii, pp. 831, 1275; Heitman, *supra*, p. 740.

[69] *Ibid.*, pp. 353, 370, 376; vol. ix, pp. 711, 713; vol. x, pp. 37, 84, 191.

[70] *Ibid.*, vol. vii, p. 712; vol. viii, p. 256.

Second Brigade;[71] Siegfried Solomon, Captain Dinckey's Company, 18th Section of Riflemen; Samuel Wamser and Michael Wolf of Zieber's Company, 1st Regiment, Second Brigade; Corporal Samuel Weiss, Second Brigade; Privates Jacob Wolf of Captain Wilson's Company from Bucks County, Pennsylvania and Abraham Yuxsheimer, of Captain Dorr's Company, 101st Regiment.[72]

Toward the close of 1813, all New England, suffering commercially from the effects of the war, united in opposition to its continuance and to the administration. The *Boston Daily Advertiser* even broached the idea that it would be best for New England to conclude a separate peace with Great Britain or, at least, assume a position of neutrality, leaving it to the other states to fight out the war.[73] This produced considerable anxiety at Washington, and also led to the famous Hartford Convention. Webster, in his first speech at this time, declared that the difficulty of raising troops grew out of the unpopularity of the war, which is evidenced by the fact that it was only at a cost of about $2,000,000 in bounties, that 14,000 recruits were obtained, of whom New England furnished more than all the other states put together.[74]

Among the papers preserved by the Spanish and Portuguese Congregation of New York, is a MS. sermon delivered about this time by its minister, Rev. Gershom Mendez Seixas, in which he pleaded for funds for the relief of the sufferers of the Northwest Territory who had been the victims of both British and Indian warfare. In this sermon, this patriot minister implored his parishioners to stand by the flag and their country, and

to support the President of the United States in the present state of public disaffection.

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[71] *Ibid.*, vols. viii, ix.

[72] Wolf, *supra*, pp. 68-72.

[73] Harper's "Encyclopedia," *supra*, p. 124.

[74] *Ibid.*, p. 125.

He then continued with sentiments which might well be repeated at the present day. To quote:

> Support the country in its position at all hazards, because Congress knowing all the facts, is the better Judge of what is necessary than the private citizen. . . . . To the citizens at large, it is sufficient for us to know that our rulers are chosen to be Judges on all affairs concerning the welfare of their constituents. They have declared war, and it is our bounden duty to act as true and faithful citizens, to support and preserve the honor, dignity and the independence of the United States of America, that they may bear equal rank among the nations of the earth.[75]

Prior to this time the Americans had been on the offensive, but they were now compelled to change to defensive warfare. The entire coast was menaced by British squadrons, and at New York, Baltimore, Norfolk, Charleston and Savannah, all of which were exposed to attack, the people were kept busy casting up fortifications for defense. In this connection a number of Jews took an active part.

In January, 1814, President Madison nominated John Quincy Adams, Bayard, and Henry Clay as Peace Commissioners; Joseph B. Nones a midshipman in the navy, and at the time secretary to Clay, accompanied the Commission to Ghent.[76] Nones was a son of Major Nones of the Revolutionary War, and was later assigned to the *Guerriere* commanded by Decatur. He continued on Decatur's staff for two years and took part in the Algerine War, retiring in 1822.[77]

[75] See Leon Hühner, "The Patriot Jewish Minister of the American Revolution," in *Jewish Comment*, January 10, 1902, where this MS. sermon is quoted more at length.

[76] Morais, *supra*, p. 470; Markens, *supra*, p. 135; Wolf, *supra*, p. 85. Max J. Kohler, in *Publications*, *supra*, No. 16, p. 32, cited Morais, *supra*, regarding Nones' employment as the secretary of Henry Clay on this mission. Through a typographical error Mr. Kohler's phrase, "Morais *mentions*," etc., was there printed as "Morais *questions*," etc. I make this correction at Mr. Kohler's request.

[77] Same as Note 76.

After the burning of Washington, the British under General Ross approached Baltimore, and on September 12, 1814 attacked North Point, where General Ross was killed. They found the city so well fortified, however, that they retired, but on the following day (September 13, 1814), the British fleet bombarded Fort McHenry. The defense was carried on by the citizen soldiers of Baltimore, and a list of these is one of the few lists of names published concerning the war.

It is entitled "Muster Roll of Citizen Soldiers at North Point and Fort McHenry, September 12 and 13, 1814." The Jews on this list are the following:

Fifth Regiment of Maryland Cavalry Militia.
Maryland Chasseurs:
Jacob Myers, Lieutenant; Andrew Levy, Private.[78]
First Regiment, Franklin Artillery:
Joseph Myers, Captain.[79]
Baltimore Fencibles:
Philip I. Cohen, Private; Mendus Cohen, Private.[80]
Samuel Etting, Private.[81]

Philip and Mendes Cohen were nephews of Jacob I. Cohen, a Jewish soldier in the Revolution, and Philip subsequently became Postmaster of Norfolk, Virginia.[82]

American Artillerists:
Samuel Cohen, Junior, 2d Sergeant; [83] Jacob Hess, Private; Jesse Hess, Private; Jacob Jonas, Private.[84]

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[78] "Muster Roll," *supra*, Baltimore, n. d., pp. 8, 9.

[79] *Ibid.*, p. 10.

[80] *Ibid.*, p. 13. Also William M. Marine, "The British Invasion of Maryland," Baltimore, 1913, p. 249; "The Jewish Encyclopedia."

[81] "Muster Roll," *supra*, p. 13; Marine, *supra*, p. 280. Etting was wounded at North Point. See *ibid.*, p. 173. As to Etting family see "The Jewish Encyclopedia."

[82] See "The Jewish Encyclopedia"; Blum, "Jews of Baltimore," *supra*, p. 4.

[83] "Muster Roll," *supra*, p. 14; Blum, *supra*, p. 4.

[84] "Muster Roll," *supra*, p. 15.

Washington Artillery:
Samuel Konig.[85]
Eagle Artillerists:
Salomon Myers.[86]
United Maryland Artillery:
Levi Callmus.[87]
1st Rifle Battalion of Maryland Militia.
Union Yagers:
Martin Hirsch, 1st Corporal; [88] Jacob Moses, Private.[89]
Capt. George Stile's Corps of Marine Artillery.
Marine Artillery:
N. Myers, Private.[90]
York Volunteers attached to the 5th Maryland Volunteer Infantry:
Jacob Barnitz, Junior, 1st Lieutenant: David Kaufman, Private; [91] Jacob Lehman, Private.[92]
Maryland Cavalry:
Jacob Baer, Captain.[93]
5th Regiment of Infantry of Maryland Militia.
1st Baltimore Light Infantry:
Michael Wolf, Private.[94]
Mechanical Volunteers:
Thomas Levy, Private; Jacob Meyer, Private.[95]
Baltimore United Volunteers:
David Warfield, Captain; [96] Isaac Phillips, Junior, Private.[97]

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[85] *Ibid.*

[86] *Ibid.*, p. 18.

[87] *Ibid.*, p. 20. The name also appears as Kalmus. He was a young Bohemian Jew who arrived in 1798 at the age of fifteen. See also Blum, *supra*, p. 4.

[88] "Muster Roll," *supra*, p. 22.

[89] *Ibid.*, p. 23; Marine, *supra*, p. 386; Blum, *supra*, p. 4.

[90] "Muster Roll," *supra*, p. 25.

[91] *Ibid.*, p. 26.

[92] *Ibid.*

[93] *Ibid.*, p. 29.

[94] *Ibid.*, p. 32.

[95] *Ibid.*

[96] *Ibid.*, p. 35. I am not certain whether he was a Jew.

[97] *Ibid.*, p. 36.

Independent Blues:
Samuel Myers, Sergeant.
Sixth Independent Regiment Maryland Militia:
Henry Wolf, Private; [98] G. C. Leoni, Private.[99]
27th Independent Regiment:
Isaac Wolf, Private; Benjamin Jacobs, Private; [100] Vincent Levy, Private; [101] Benjamin F. Pollock, 3d Sergeant; [102] Aaron Mark, Private.[103]
39th Independent Regiment:
L. Noah, Private; [104] Jacob Wolf, Junior, 4th Sergeant; [105] Daniel Kaufman, Private; Barnard Myers,[106] Samuel Wolf, 1st Lieutenant; William Samuels, 4th Corporal.[107]
51st Independent Regiment:
Samuel Solomon,[108]

and Isaac Phillips, designated as "one of the patriotic citizens under whom volunteers organize." [109]

In addition to the foregoing mention may be made of Manuel Joseph [110] and Solomon Etting a distinguished Jewish citizen of Baltimore who was elected to the Committee on Vigilance and served on other important committees in connection with the defense of the city.[111]

Though the South escaped attack at first, its cities along the seacoast were very uneasy. In Savannah, for instance, from the very beginning of 1812,

meetings were held by citizens in the interests of the war question and to discuss proper means of protecting the city. The young men

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[98] *Ibid.*, p. 42.
[99] *Ibid.*, p. 44.
[100] *Ibid.*, p. 51.
[101] *Ibid.*, p. 54.
[102] *Ibid.*, p. 52.
[103] *Ibid.*, p. 58.
[104] *Ibid.*, p. 60.
[105] *Ibid.*, p. 61.
[106] *Ibid.*, p. 72.
[107] *Ibid.*, p. 61.
[108] *Ibid.*, p. 71; Marine, *supra*, p. 443.
[109] "Muster Roll," *supra*, p. 76.
[110] Marine, *supra*, p. 342.
[111] *Ibid.*, pp. 133, 139, 141. Besides those mentioned, Reuben Etting is stated to have been among the defenders of Baltimore on this occasion; see B. H. Hartogensis, in *Publications*, *supra*, No. 25, p. 95.

met in the courthouse for the purpose of uniting their interests in the formation of a volunteer Company.

Abraham Sheftall, of the distinguished Revolutionary family, was secretary of this organization.[112]

Another Jew, Captain Chapman Levy, was likewise active in Charleston. To quote Judge O'Neill:

This gentleman was a Hebrew by birth and a native of the ancient town of Camden, born July 4th, 1787. . . . . He became a lawyer of prominence and in 1814 volunteered for active service with a fine Rifle Company of which he was captain, in the regiment of drafted militia commanded by Col. Adam McWillie, and served at Haddrel's Point near Charleston until March, 1815. He was subsequently a member of the South Carolina Legislature.[113]

Another writer tells us that Camden contributed to the volunteer regiment of Lancaster the fine Rifle Company of Captain Chapman Levy.[114]

[112] Adelaide Wilson, "Historical and Picturesque Savannah," Boston, 1889, p. 115; George White, "Historical Collections of Georgia," p. 348.

[113] John Belton O'Neill, "Bench and Bar of South Carolina," Charleston, 1859, vol. ii, p. 281, which gives an extended and appreciative account of Levy as lawyer and soldier. To quote: "He was also known as Col. Levy from being the aide of one of the governors of the state. . . . . As a member of the legislature he was active and untiring in the discharge of his duties. In the unfortunate political contest which gave rise to nullification, and which has been the parent in a greater or less degree of all our subsequent political dissension, Colonel Levy was an ardent and consistent Union man, and did more than anyone else to keep Kershaw, Chesterfield and Lancaster in their proper places. . . . . He removed to Mississippi and died there in December, 1850 in the 64th year of his age. . . . ." See also the present writer in *Publications, supra*, No. 12, pp. 163-164; and No. 22, pp. 154-155.

[114] Edwin J. Scott, "Random Recollections of a Long Life," Columbia, 1884, p. 15.

Myer Moses, likewise of Revolutionary ancestry, is mentioned as Captain of militia at this time.[115] He too, subsequently became a member of the South Carolina Legislature.[116]

Isaac Minis, a son of Philip and Judith Minis, served as a private in Captain Bullock's Company of Artillery, First Regiment of Georgia Militia.[117] His father, too, had been a soldier in the Revolutionary War, while his mother was so staunch a patriot that the British ordered her confined to her house for a time to prevent her giving assistance to the American cause.[118]

Dr. Jacob De La Motta, of Savannah, served as a surgeon in the regular army to the end of the war.[119] He was later appointed by President Harrison Receiver-General for his District.[120] Dr. De La Motta was a devout Hebrew and instrumental in organizing anew the congregation at Savannah. For a number of years he officiated as minister both at Charleston and Savannah, without compensation.[121] His father, Emanuel De Le Motta, a Revolutionary soldier, is said likewise to have served in the War of 1812.[122]

Hyman Cohen, of South Carolina, commissioned Second Lieutenant of Rifles in 1812, was promoted to First Lieutenant in 1814.[123] Jacob Cohen, of Savannah, served as a private in

[115] See Markens, *supra*, p. 179; Leon Hühner, in *Publications*, *supra*, No. 12, p. 164; Wolf, *supra*, p. 70.

[116] Same as Note 115; *Publications*, *supra*, No. 12, pp. 163-164.

[117] "The Jewish Encyclopedia."

[118] White, "Statistics of Georgia," Savannah, 1849, p. 167; Leon Hühner, "The Jews of Georgia in the American Revolution," in *Publications*, *supra*, No. 17, p. 100.

[119] Francis B. Heitman, "Historical Register and Dictionary of the United States Army," Washington, 1903, p. 365.

[120] See *The Occident*, vol. iii, p. 59; "The Jewish Encyclopedia."

[121] Same as Note 120; Leon Hühner, "The Jews of South Carolina," in *Publications*, *supra*, No. 12, p. 39 *et seq.*

[122] Same as Note 120.

[123] Hamersly, *supra*, p. 70. The name is given as Hyem Cohen. See also Heitman, *supra*, p. 315; Publications, *supra*, No. 12, p. 164.

Captain William F. Bullett's Company of Georgia Militia.[124] David Lewis of Strassburg came to America at an early age and is said to have fought in the Revolution as well as in the War of 1812.[125] Major M. G. Waage,[126] Philip Minis and Abraham De Leon are likewise mentioned, the latter as Surgeon's mate.[127]

In 1813, the government invited subscriptions for a $16,000,000 loan, but only $4,000,000 were subscribed, and government bonds were sold at a 15% discount.[128] In a work entitled "Old Merchants of New York," special praise is given to a few patriotic merchants who subscribed at this time at a deliberate sacrifice. Among those thus mentioned is Harmon Hendricks, who was a subscriber for $40,000.[129]

In January, 1815, our government found itself without money, the regular military force decreasing, a victorious British army threatening the Northern frontier, Cockburn in possession of Cumberland Island off the coast of Georgia, and a formidable British armament preparing to invade the Gulf region.[130]

In connection with preventing the invasion of the south at this crisis, we find the name of another Jewish officer, Major

[124] This item appears in a declaration on file in Washington, mentioned by B. A. Elzas in "The Jews of South Carolina," p. 144.

[125] This appears from an old letter written by Joseph C. Lewis, a Jew of New Orleans, to his sister giving some data concerning the history of the family in America, and from data collected by Mr. William Einstein, of New York.

[126] Heitman, *supra*, pp. 77, 103, 113, 133, 156, 991.

[127] *Ibid.*, pp. 77, 103, 113, 133, 156; *Publications*, *supra*, No. 12, p. 164; "American Biography," vol. iii, Edwin De Leon.

[128] See Scoville, "The Old Merchants of New York City," First Series, pp. 329-333.

[129] *Ibid.*; Wolf, *supra*, p. 36; also Max J. Kohler, in *Publications*, *supra*, No. 4, p. 90.

[130] Harper's "Encyclopedia," *supra*, p. 126.

Abraham A. Massias, whose achievement is prominently detailed in practically every history of the war.

The family of Major Massias seems to have come from Barbados, and had probably settled at Charleston, for a Benjamin Massias of Barbados is mentioned as a trustee in the deed to the Cuming Street Cemetery of that city.[131] Abraham Massias was born in 1772 and is mentioned at Newport, Rhode Island, in 1800.[132] He was appointed ensign in 1802 [133] and lieutenant in the New York Militia in 1804.[134] Though residing in New York at the time, he appeared also as a member of the Congregation Beth Elohim of Charleston. He became Captain of the First Regiment of Light Infantry of New York, in 1807, but resigned in 1809 [135] and entered the service of the United States, at first as Captain, and in 1814 as Major in the regular army.[136]

The British made several attempts to enter Georgia from the sea. They landed at Cumberland Island and made an effort to hold it, but were so vigorously attacked by a small force under Captain Massias that they were compelled to retreat to their boats.[137] Another writer detailing this achievement, states:

> that the enemy attacked Point Petre on the St. Marys, sending 1500 men in boats up the river for that purpose; but the fortifications were good, and the garrison under Major Massias made so

[131] B. A. Elzas, "The Old Jewish Cemeteries at Charleston," 1903, p. 4; N. Darnell Davis, in *Publications, supra*, No. 22, p. 178.

[132] "Proceedings of the Grand Lodge of Rhode Island, 1791-1820," *supra;* Samuel Oppenheim, "The Jews in Masonry," *Publications, supra*, No. 19, p. 19.

[133] "Military Minutes," *supra*, vol. i, p. 586.

[134] *Ibid.*

[135] *Ibid.*, vol. ii, pp. 923, 924.

[136] Heitman, *supra*, p. 696; Hamersly, *supra*, pp. 70, 108, 171; Morais, *supra*, p. 459.

[137] See Georgia Historical Society, vol. iv, p. 219; "Memoirs of Georgia," Southern Historical Association, 1895, vol. i, p. 96; Smith, "History of Georgia," p. 524.

brave a show that the English concluded that the post was too strong to be carried, and withdrew.[138]

A very full account of the bravery and daring of Major Massias and his sixty riflemen, and of the heavy loss which they inflicted upon the British, is given in Williams' "History of the War of 1812," [139] and also in White's "Historical Collections of Georgia," where this achievement is detailed at some length.[140] I have also found Major Massias' reports of the affair at Point Petre, made to General Boyd, and published in Brannan's "Official Letters of the Military and Naval Officers of the United States," in 1823.[141] In 1818 when Colonel Brackenridge made his famous plea for the removal of Jewish disabilities in Maryland, he made special reference to the valuable services of this Jewish officer.[142]

Major Massias became Paymaster in the United States Army in 1820. He was a devout Hebrew, and a trustee of the De Costa burial ground in Charleston, in which city he died in 1848. His remains are interred near the remains of the famous Salvador family, and his tombstone records his twenty years' service in the field, his rank in the army and the fact that he was a benefactor of the Jewish Congregation of Charleston.[143]

[138] "Life of William Lowndes," p. 119. This account states that Massias had been an officer in the American Revolution. The statement is erroneous, however, and refers to another member of his family who fought in the War for Independence. I am indebted for this reference to Mrs. Lee C. Harby, of Charleston, S. C.

[139] Rev. S. Williams, "Sketches of the War between the United States and the British Isles, *supra*, p. 287, *et seq.*

[140] George White, "Historical Collections of Georgia," New York, 1855, pp. 287-288; Stephen F. Miller, "The Bench and Bar of Georgia," 1858, vol. i, p. 458.

[141] Washington, 1823, pp. 470-474.

[142] See Speech of Col. J. W. D. Worthington, published in "Speeches on the Jew Bill," by H. N. Brackenridge, Philadelphia, 1829.

[143] "The Old Jewish Cemeteries," *supra*, 1903, pp. 104-106; Samuel Oppenheim, in *Publications*, *supra*, No. 19, p. 20; Markens, *supra*, p. 179.

Among the prisoners in Dartmoor Prison were Morris Russel, of Savannah,[144] William Wolf, of Savannah [145] and Manuel Joseph.[146]

In the United States Navy, there were quite a few Jews also. Abraham De Leon, a member of the well-known Georgia family, appeared as midshipman in 1812, as did Joseph B. Nones, already referred to.[147]

Levi Myers Harby, a brother of Isaac Harby, the well-known journalist of the period, was born at Georgetown, South Carolina, in 1793. He became a midshipman in the United States Navy in 1812, was captured during the war and confined in Dartmoor Prison for nearly two years, but finally made his escape. Later he had command of a vessel in the expedition against the pirates of Tripoli, and also took part in the Seminole and Mexican Wars. He rose to the rank of Captain, but, after 52 years of service under the United States flag, resigned at the outbreak of the Civil War to enter the Confederate service. He was in command of the Confederate Fleet at Sabine Pass, and distinguished himself in the defense of Galveston.[148]

More prominent still was Commodore Uriah P. Levy, who received his commission as sailing master in 1812. He was an officer on the brig-of-war *Argus* which ran the blockade to France, having on board Mr. Crawford, the American Minister to that country. He was captured by the British in the contest with the *Pelican* in the British Channel, and confined for a time at Dartmoor. He became Captain in the service and by

[144] "The Prisoners' Memoirs or Dartmoor Prison," New York, 1815, p. 258.

[145] *Ibid.*, p. 259.

[146] *Ibid.*, p. 258.

[147] Morais, *supra*, p. 470; Markens, *supra*, p. 135; Wolf, *supra*, p. 85.

[148] See Markens, *supra*, p. 136; Rev. Henry Cohen, in *Publications*, *supra*, No. 2, p. 147; Wolf, *supra*, p. 83.

courtesy was entitled to be styled Commodore, though strictly speaking, such an office did not exist at the time.[149] It is said that Levy, for his patriotic services, received the freedom of the City of New York from the Common Council.[150] At the time of his death, he is said to have been the highest ranking naval officer in the United States,[151] and his tombstone states that he was the father of the law for the abolition of flogging in the navy.[152]

Besides the foregoing, mention is made of Mears Levy as a master between May, 1812 and June, 1813,[153] Abram Phillips, a midshipman, who was drowned in 1813,[154] Manuel Phillips, assistant surgeon,[155] Gratz Etting, Henry Etting and Ezekiel Solomon, pursers in the navy, and midshipman Israel Israel.[156]

Aside from the army and the regular navy, however, there was a third element of great importance, which assisted the young republic during our second war with England. This was the signal success of American privateers in destroying not only British commerce, but vessels of war as well. Such enterprises were then considered not only legitimate but even patriotic, and Paul Jones and Decatur at one time figured prominently in this connection.

One of the most successful and daring of these privateers during the War of 1812, was a French Jew, Captain John

[149] See Simon Wolf, in *Publications*, *supra*, No. 3, p. 40; Wolf, *supra*, p. 84; Morais, *supra*, p. 469; Markens, *supra*, p. 134.

[150] *Publications*, *supra*, No. 3, p. 40; Wolf, *supra*, p. 84; Morais, *supra*, p. 470.

[151] Same as Note 150.

[152] *Ibid.*

[153] Morais, *supra*, p. 477; Wolf, *supra*, p. 84.

[154] Morais, *supra*, p. 477; Wolf, *supra*, p. 86.

[155] *Publications*, *supra*, No. 12, p. 164.

[156] *Ibid.;* Morais, *supra*, p. 478; Wolf, *supra*, pp. 83, 86.

Ordroneaux of New York.[157] He was born at Nantes in 1778, and educated at Bordeaux. So important was his career to the American cause, that Edgar Stanton Maclay, one of the historians of the American Navy, devotes to his achievements an entire chapter in his work. Maclay informs us that Captain Ordroneaux was a seaman of extraordinary ability. At the outbreak of the war, he commanded the French privateer *Marengo,* and on June 23, 1812, while at New London, narrowly escaped the British. Shortly afterward, August 10, 1812, he took the British ship *Lady Sherlock,* and brought her to New York.[158]

Thereafter his career was one of practically uninterrupted success, reaching its climax in 1814 when commanding the *Prince de Neufchâtel.* In March of that year he took nine valuable prizes in the British Channel.[159] This was followed by similar successes near Havre in June, and in the Irish Channel in August and September. According to Maclay, the *Prince de Neufchâtel* during that year was chased by seventeen men-of-war, but always managed to escape; while the goods captured by her from the enemy and brought safely into port, sold for nearly three million dollars, besides which a large amount of specie was secured.[160]

Ordroneaux's crowning success with this ship came in October, 1814, when he captured the British frigate *Endymion,* and

[157] See *The Daily Standard-Union,* Brooklyn, April 9, 1905, "Yankee Sea Fighter of Early Days only recently known to have been a Jew"; Edwin Stanton Maclay, "History of American Privateers," New York, 1899, pp. 377-390; Coggeshall, "History of American Privateers," pp. 241-244. An elaborate account of Captain Ordroneaux appears in Leroy Wilson Kingman's "The Kingman and Ordroneaux Families," Owego, 1911, but fails to make any mention of his Jewish origin.

[158] Maclay, *supra,* pp. 377-90.

[159] *Ibid.;* Coggeshall, *supra,* pp. 241-244.

[160] Same as Note 159.

the writer can perhaps do no better than quote from Maclay in this connection.

One of the most remarkable actions of the war, was between the British forty-gun frigate *Endymion* and the armed ship *Prince de Neufchâtel* of New York. The extraordinary feature of this affair, lies in the fact, that a vessel fitted out at private expense, actually frustrated the utmost endeavors of an English frigate of vastly superior force in guns and men. As the commander of the *Endymion* said, he lost as many men in his efforts to seize the *Prince de Neufchâtel*, as he would have done had his ship engaged a man-of-war of equal force, and he generously acknowledged that the people in the privateer conducted their defence in the most heroic and skillful manner. . . . .

In her attack, the *Endymion* had 49 killed, 37 wounded, and 30 of her crew were made prisoners. . . . . This notable action occurred off Nantucket on the night of October 11, 1814. . . . . The privateer mounted seventeen guns as against the Englishman's fifty, to say nothing of the latter's immensely larger calibre. . . . . On that night Ordroneaux made one of the most heroic defences in history. His ship had a prize when the British frigate was discovered. Ordroneaux tried hard to escape, but was unable to do so. Night came on, and the British frigate began the attack, coming alongside the privateer, and surrounding her with small boats.

This was the beginning of a desperate and bloody struggle, in which men fought like wild beasts.

Captain Ordroneaux himself fired some eighty shots at the enemy. Springing up the sides of the vessel, the British would endeavor to gain her deck, but every attempt was met by deadly blows by the sturdy defenders. It was well understood that Captain Ordroneaux had avowed his determination of never being taken alive, and that he would blow up his ship with all hands, before striking his colors. At one period of the fight, when the British had gained the deck, and were gradually driving the Americans back, Ordroneaux seized a lighted match, ran to the companionway directly over the magazine, and called out to his men that he would blow the ship up, if they retreated further. The threat had the desired effect. . . . . Such a sanguinary fight could not be of long duration, and at the end of twenty minutes, the English cried out for quarter, upon which the Americans ceased firing.

"So determined and effective a resistance," says an English naval historian, "did great credit to the American captain and his crew." Ordroneaux compelled his prisoners to bind themselves not to serve against the United States in this war, until duly exchanged, and then put them ashore at Nantucket, in charge of the United States marshal. On gaining port, he retired from his command.[161]

Ordroneaux is described in a contemporary work quoted by Maclay in the following words:

> He was a Jew by persuasion, a Frenchman by birth, an American for convenience, and so diminutive in stature as to make it appear ridiculous in the eyes of others, even for him to enforce authority among a hardy, weather-beaten crew, should they do aught against his will.[162]

Captain Ordroneaux married a Gentile in New York, and later went to South America, where he died in 1841. The ship which was to bring back his body encountered a storm on its return, and the superstitious sailors are said to have thrown the body overboard.[163]

The Treaty of Ghent was agreed upon in December, 1814, but, as the telegraph and cable had not yet been invented, the news did not reach America for some weeks, during which hostilities continued as before.

On January 1, 1815, Jackson made his brave defense of New Orleans. Prominent among the defenders of the city on that day was one of the noblest men America has ever produced,

[161] Maclay, *supra*, pp. 377-390; Coggeshall, *supra*, pp. 241-244.

[162] *Ibid.* Since the preparation of this paper my attention has been called also to a special article on the same subject, written by Edgar Stanton Maclay and entitled, "A Privateer of 1812. The Good Fight of Captain Ordroneaux, who is now found to have been a Jew." This appeared in *The New Era Magazine*, November, 1904.

[163] *Ibid.*

the well-known philanthropist Judah Touro.[164] In this connection, the writer can perhaps do no better than by quoting from James Parton's "Life of Jackson," which gives a detailed account of Touro's patriotism on that occasion.[165]

Judah Touro the far famed and far beloved philanthropist of New Orleans on this day served his country in a capacity much more dangerous than that of combatant.

When the state was invaded, Mr. Touro was attached to a regiment of Louisiana militia. . . . After performing severe labors as a common soldier, in the ranks, Mr. Touro, on the 1st of January, volunteered his services to aid in carrying shot and shell from the magazine to Humphrey's Battery. In this humble, but perilous duty he was seen actively engaged during the terrible cannonade with which the British opened the day, regardless of the cloud of iron missiles which flew around him, and which made many of the stoutest hearted cling closely to the embankment or seek some shelter. But in the discharge of duty this good man knew no fear and perceived no danger. It was while thus engaged that he was struck in the thigh by a twelve pound shot which produced a ghastly and dangerous wound.[166]

Here follows a long description of how he was left for dead upon the field, but was carried off and nursed back to life by his friend Rezin M. Shepherd. Parton then continues:

The same patriotism which prompted him to expose his life, on the plains of Chalmette, dictated that handsome donation for the completion of the Bunker Hill Monument, and has characterized a thousand other deeds of like liberality which were no less commended for their generosity, than their entire freedom from sectarian feeling or selfish aim.[167]

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[164] See Alexander Walker, "Life of Andrew Jackson," Philadelphia, 1860, pp. 267-272, where appears a detailed and interesting account of Touro's patriotism during the war. Judge Walker speaks of Touro as "that pure-minded philanthropist whose fame is co-extensive with the boundaries of this Republic, and has extended to distant and foreign lands which he has brightened and comforted by his benevolence." A sketch of Touro's career by Max J. Kohler may be found in *Publications*, *supra*, No. 13, pp. 93-111.

[165] Vol. ii, p. 164.

[166] *Ibid.*

[167] *Ibid.*

This last reference alludes to the fact that it was Touro who, with Amos Lawrence, supplied the funds for completing the famous memorial at Boston, and in historic Faneuil Hall both men were eulogized at the time in the following verse:

> Amos and Judah, venerated names.
> Patriarch and prophet press their equal claims, ...
> Christian and Jew, they carry out one plan,
> For though of different faith, each is in heart a man,[168]

and it was certainly a noteworthy tribute that John Quincy Adams, Daniel Webster, Joseph Story and Edward Everett were appointed a committee to prepare an inscription for a tablet to be placed in the monument, to record the liberality of Lawrence and Touro.[169]

[168] George W. Warren, "Proceedings of Bunker Hill Monument Association," p. 330; Lewis Abraham, in *Publications, supra*, No. 3, p. 99; Max J. Kohler, in *ibid.*, No. 13, p. 100.

[169] Warren, *supra*, p. 312.

COTTON MATHER AND THE JEWS.

By Lee M. Friedman, A. B., LL. B.

Attention has already been called to Cotton Mather's attempt to convert to Christianity a Jew named Frasier by some "pretended vision."[1]

The ambition to be the means of converting a Jew to Christianity was so near an obsession on the part of Cotton Mather that it is easily possible to understand how he overstepped the bounds of propriety when one realizes the Puritan viewpoint. Even though they did not go to the full lengths of the Fifth Monarchy Men, the Millenarians or the Judaisers, to the Puritan settlers of America in the seventeenth and eighteenth centuries the millenium was something very near and real which every day brought measurably nearer. To them it was possible for any living man not only to have a chance to partake in that great event but personally to hasten its coming. They accepted the words of prophecy literally that as soon as the Jews had been dispersed throughout every land of the earth, there was to be a calling of the Jewish nation and their conversion to Christianity, and then the millenium. It was a subject of active debate whether the conversion of the Jews was to be in the mass or whether individual Jews were to be converted until all had disappeared as Jews. Whichever view was adopted, to be the means of converting a Jew was not merely a matter of personal glory but another step accelerating the establishment of the Kingdom of God on earth.

For years Mather had prayed and dreamed of a chance to convert a Jew. His *Diary* is filled with expressions of this

[1] See *Publications of the American Jewish Historical Society*, No. 11, p. 79; *ibid.*, No. 20, p. 55; *ibid.*, No. 23, p. 80.

desire on his part so strongly stated that it is almost incomprehensible to-day. Thus, his prayer of July 18, 1696 concretely voiced his desire:

> This day, from the dust, where I lay prostrate, before the Lord, I lifted up my cries: For the conversion of the Jewish Nation, and for my own having the happiness, at some time or other, to baptize a Jew, that should by my ministry, bee brought home unto the Lord.[2]

Cotton Mather, born at the height of New England Puritanism, personally embodied the spirit of the Puritan towards the Jew. It is said that at the age of twelve, he "entered upon his Hebrew Grammar" and

> after his entrance into college he made as quick dispatch as before, mastering Hebrew perfectly.[3]

He claimed an exact knowledge of Hebrew [4] and an acquaintanceship with the "Talmuds." [5]

[2] "Diary of Cotton Mather," in "Collections," Massachusetts Historical Society, 7th series, vol. vii, p. 64, hereinafter cited as *Diary*.

[3] "Life of the Very Reverend and Learned Cotton Mather, D. D., F. R. S.," by Samuel Mather, M. A., Boston, 1729, p. 4; see *Publications, supra*, No. 20, p. 65.

[4] "Besides what think you of that Law in the Scripture, Thou shalt not suffer a Witch to Live: Exod. 22.18 which Law you find afterwards more than once executed in Israel? If you would not bee soon tried with Greek and Hebrew, I would here actually perform what I now only profer; That is This: To prove out of the oldest Jewish Rabbins that the Hebrew Word here used in the Original, and out of the oldest Poets, Orators, Historians, that the Greek Word here used by the Septuagint, signifies one who does preternaturall mischiefs by the Aid of Divels." Mather-Calef Paper on Witchcraft, in "Proceedings," Massachusetts Historical Society, vol. xlvii, p. 255.

[5] "I should surprize you very much if I should proceed hereupon to Demonstrate unto you out of the Talmuds what horrible sorceries were epidemically known and used among the Jews, in those Dayes." *Ibid.*, p. 261.

Later it was said that his eldest daughter Katharine was trained by him to "read Hebrew fluently."[6] He was firmly convinced that the millenium was very near and was to be much hastened by the immediate conversion of the Jews after their complete dispersion throughout every country of the world. Evidently, at some later period Mather was not quite so certain as to this order of events, for, under date of March 6, 1728/9, Samuel Sewall wrote to Rev. Samuel Mather:

> I have one unhappiness befallen me viz[t] Dr. Cotton Mather's vehemently insisting on the Conflagration, so that he seems to think there is no general calling or convertion of the Jews, or that it is already past and gone.[7]

He hoped for a very active and personal share in the conversion of the Jews, and each and every individual Jew who came within his reach was an object of special interest and missionary activity for him. His missionary zeal first bore fruit in 1699 when he published "The Faith of the Fathers,"[8] of the conception of which he gave the following account:

> *April 9, 1699.* This week, I attempted a further service to the name of the my Lord Jesus Christ. I considered, that when the Evangelical Elias, was to prepare the Jewish Nation, and the coming of the Messiah, he was to do it, by bringing down the Heart of the Fathers before the children. And I considered, that would not only confirm us Christians in our Faith exceedingly to see every article of it, asserted in the express words of the Old Testament, but that it would mightily convince and confound the Jewish

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[6] *Life, supra*, pp. 13-14.

[7] "Collections," *supra*, 6th series, vol. ii, "Sewall's Letter Book," p. 263.

[8] "The Faith of the Fathers/or/The Articles of the/True Religion/All of them Exhibited/In the Express Words of the Old Testament/Partly/To confirm those who do profess that Reli/gion of God, and his Messiah/But Chiefly/to Engage the Jewish Nation unto the Religion of their Patriarchs/And, Bring down the hearts of the Fathers unto/the children, and the Disobedient unto the Wisdom of the Just; and so, to make ready/a People prepared for the Lord."

Nation. Ye, who Knowes, what use the Lord may make of such an Essay? Wherefore, with much contrivance, I drew up a Catechism of the whole Christian Religion, and contrived the Questions to fitt the answers, whereof I brought every one out of the Old Testament. I prefased the Catechism, with an address unto the Jewish Nation, telling them in some lively terms, that if they would but return to the faith of the Old Testament, and believe with their own Ancient and blessed Patriarchs, this was all that wee desired of them or for them. I gave this book to the Printer, and it was immediately published. Its Title is, *The Faith of the Fathers.*[9]

The little volume was dedicated to the "Jewish Nation" and with a most tactless exhortation implored them to see the error of their ways:

To the Jewish Nation:

One thing that satisfies us Christians, in the Truth of Christianity, is your obstinate aversion to that Holy Religion, our Blessed Jesus, the Author of our Faith, foretold your continuance under the circumstances now come upon you until the Ties of the Gentiles in the four monarchies, just now expiring, are expired. . . . . Here is now put into your Hands an irresistible and inefragable demonstration that tho' you say, you are Jews you are not so. . . . . Be amazed, O ye Rebellious and rejected People of our Great Lord Messiah. . . . . Return O backsliding Israel!

The idea expounded was that if the Jews would only return to the faith of the Old Testament, they would see the errors of their ways and be converted to Christianity, which is in fact only the true, complete Jewish religion developed through Jesus. The work consisted wholly of passages of the Old Testament so arranged as to prove Jesus the Messiah of the Jews.[10]

Undoubtedly "The Faith of the Fathers" was inspired by Mather's acquaintance with some Boston Jew, possibly Frasier

[9] *Diary*, part i, p. 298.

[10] The Christian religion "is in reality but the Faith of the Fathers and the religion of the Old Testament from whence the Modern Jews are fallen." See preface to the appendix, "A Relation of the Conversion of a Jew named Shalom Ben Shalomoh," note 14, *infra.*

or Frazon. At all events, as soon as the book had appeared in print he hopefully dispatched a copy of the new volume to his Jewish friend.

April 28, 1699. And whereas, I have now for divers years, employ'd much prayer for, and some discourse with, an infidel Jew in this Town; thro' a Desire to glorify my Lord Jesus Christ in the Conversion of that Infidel, if Hee please to accept mee in that Service. I this day renew'd my Request unto Heaven for it. And writing a short letter to the Jew, wherein I enclosed my, Faith of the Fathers, and, La Fedel Christiano, I sent it unto him.[11]

Prayerfully he waited the results.

May 21, 1699. I had advice from Heaven—Yea, more than this; That I shall shortly see some Harvest of my Prayers and Pains, and the Jewish Nation also.[12]

Although he was doomed to local failure he was later able to rejoice over the report of the successful influence of his book in Carolina.

September 2, 1699. This Day, I understand by letters from Carolina, a thing that exceedingly refreshes me, a Jew there embracing the Christian faith, and my little book, The Faith of the Fathers, therein a special instrument of good unto him.[13]

We are, however, without further information as to this Carolina incident, who the Jew was, or whether it was mere gossip manufactured for export for the New England trade.

The following year, 1700, Cotton Mather published his second tract intended to influence the conversion of the Jews.

October 28, 1700. American Tears upon the Ruines of the Greek Churches. Moreover, a very charming relation of Conversion made by a Jew, one Shalom Ben Shalomoh, at his joining lately to a Congregational Church in London falling into our Hands, I foresaw many advantages to glorify the Lord Jesus Christ by Reprinting it. Wherefore, composing a preface to make the Transition agreeable, I procured this to be added as an appendix to the book of the Greek Churches.[14]

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[11] *Diary, supra*, p. 300.
[12] *Ibid.*, p. 302.
[13] *Ibid.*, p. 315.
[14] *Ibid.*, p. 370.

The appendix was, in fact, only a reprint with omissions of a London edition of the previous year of the "conversion sermon" of an apostate Jew.[15] Perhaps the inspiration of this appendix came from Sewall who sent to London and imported copies of the pamphlet.[16]

For some reason or other it is almost ten years before the next reference to the Jews occurs in Mather's *Diary*. This omission in his *Diary* does not mean that Mather had lost interest in the Jews during this period. The American Antiquarian Society, of Worcester, Mass., has a MS., finished December 25, 1703,[17] which dealt in part with the conversion of the Jewish nation and in which he indorsed the views of his father, Increase Mather, as expressed in the latter's "Mystery of Israel's Salvation."[18] A second undated MS., *Triparadisus,* also in the possession of that society, is not unlikely to be of this period. In Chapter XI of *Triparadisus* dealing with the national conversion of the Jews, Mather concluded that the millenium is not to come until the Jewish nation has been "brought in." As the nations bore evidences of being destroyed the Jewish people were to come into the "Happy State" as the Gentiles had done. Both these MSS. show that Mather had a considerable acquaintance with the literature of the subject.

Under date of February 12, 1710-11 he prayed:

February 12, 1710-11. Song of Jubilation. And that the Lord may be glorified in the Conversion of that poor Jew, and where I

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[15] "A Relation/of/The Conversion of/a Jew/named Shalom Ben Shalomoh/as himself uttered it, unto a Church/of the Lord Jesus Christ assembled/in Rose-Mary Lane London/September 29, 1699/ etc. etc. An appendix to American Tears upon the Ruines of the Greek Churches," Boston, 1701.

[16] See *Publications, supra,* No. 20, p. 52.

[17] *Problema Theologicum.*

[18] "The Mystery of Israel's Salvation Explained and Applyed, or a Discourse concerning the General Conversion of the Israelitish Nation," Boston, 1669.

was concerned now 16 or 17 years ago; and towards whom the Dispensations of Heaven have been singular and wonderful.[19]

Again, a little later he prayed once more:

April 11-12, 1711. Vigil—prayer. I cried unto the Lord, that I might yett see one (opportunities) and a very Rich one, in the conversion of that poor Jew, for whose conversion and salvation we have been for 6 or 7 years more than waiting on him.[20]

Two years later he still seemed to be praying for this same Jew:

July 4-5, 1713. Vigil—prayer. For the conversion of the poor Jew, who is this Day returned once more unto New England, and who has now for 19 years together been the Subject of our Cares and Hopes, and Prayers.[21]

August 29, 1713. Prayer. For the conversion of the Jew for whom I have been so long and so much concerned![22]

In 1716, Mather was strongly moved by reading a report of the conversion of Jewish children in Berlin.

October 15, 1716, A. D. A late and strange Impression of Grace, on the Jewish Children, in the City of Berlin: May I not improve it, and an Excitation of Piety in my flock, and sway the young people of it.[23]

In a letter to John Winthrop Mather wrote on August 15, 1716, that in a letter received from "a famous German Divine" two days ago he was told of

a strange and miraculous motion from God upon the minds of the Jewish children in the City of Berlin. The little Jews, from eight to twelve years of age, fled to the Protestant ministers, that they might be initiated into Christianity. They embraced it with such rapture that when they saw the name of Jesus, in a book, they kissed it a hundred times, and shed floods of tears upon it. No methods used by their parents to reduce them are effectual; but they say to their parents, "We shall not return to you; it is time

[19] *Diary*, part 2, p. 41.
[20] *Ibid.*, p. 62.
[21] *Ibid.*, p. 219.
[22] *Ibid.*, p. 233.
[23] *Ibid.*, p. 378.

for you to come over to us!" This German divine saw happy auspices in this rare occurrence.[24]

The following year he evidently wrote an account of the incident, and requested the Master of the Grammar-School to call this to the attention of his scholars.[25]

Shortly after this he resolved to publish his MS.:

I do accordingly give these things unto the Bookseller, under the Title, *Faith Encouraged*, a brief relation of a Strange Impression of Heaven, upon the Minds of some Jewish Children at the City of Berlin, (in the upper Saxony), and an Improvement made of so marvellous an occurrence.[26]

The book itself made its appearance in the early part of the following year.[27] This tract is one of the rarest of the Mather items.[28]

[24] "Collections," *supra*, Mass. Hist. Soc. Coll., 4th series, "Mather Papers," vol. viii, p. 420; see *Publications*, *supra*, No. 11, p. 80.

[25] "*November 29, 1717.* G. D. I would send my account of the Jewish children at Berlin unto the Master of our grammar schole, with my desire that it be readd publically unto the children in the schole, and that he made suitable Remarks thereupon unto them."

[26] *Diary*, part 2, p. 494, December 12, 1717.

[27] "My Faith Encouraged, being published in which the strange conversion of the Jewish children at Berlin is accompanied with an address unto the Jewish nation. I propose to send it unto as many of the Jews, in several Places and Countreys as I can." *Ibid.*, p. 503, January 31, 1717-8.

"Encourage some Schole-Masters, to have the story of the Jewish Children at Berlin, read in their schools, with application." *Ibid.*, p. 524, March 14, 1717-8.

[28] "*Faith Encouraged.*/A/Brief RELATION/of a/Strange IMPRESSION from/HEAVEN, on the Minds of some/Jewish CHILDREN/At the City of Berlin/(In the Upper Saxony)/And some REMARKS, for the Improvement of/so Marvellous an Occurrence./——/Psal. VIII. 2./Out of the Mouth of Babes and Sucklings./By Cotton Mather./BOSTON:/Printed by J. Allen, for T. Fleet, and Sold/at his Shop in Newbury Street, At the South/End, 1718.

The little pamphlet told of three young Jewish girls, Sprintz, Guttel, and Esther, daughters of Isaac Veits and Sophia Moses, Jews,

> the eldest of 'em was twelve; (tho' the mother gives out she is but nine) the youngest was eight; or as the mother pretends, but six.

These precocious infants of Berlin cast off their parents and insisted, in spite of all discouragements from the Protestant minister and the efforts of a royal commission of three distinguished clergymen appointed by the King of Prussia, in embracing the Protestant religion. The story could only have been an inspiration to a generation which seriously read the remarkable infant professions of faith in the *Magnalia*. Cotton Mather not only offered this relation as a warning and inspiration to his own people, but he took occasion to address the "Jewish nation" with a pious wish that this brave example might not be lost upon them.

> How is it possible to publish the Relation of the Jewish Children at Berlin, without an Address unto the Jewish Nation; and a Tender unto them of Things that should be more thought upon?
>
> If but one Soul of all that Beloved People, should be found, and reach'd, and touch'd, by the Things to be now laid before them, it will be well worth while the Pains of these Expostulations. It may be, the same Spirit, who wrought upon the Babes at Berlin, will fall upon some of that Beloved People, while they have these Words before them. We will Prophesy over these Dry Bones, and see what the Spirit of Life will do upon them!
>
> What considerations are there, which would mightily Convince them, that they do they know not themselves in their Infidelity; and which, Man and Brethren, Oh! that you would shew yourselves Men, and suffer them to awaken you.

That Mather was eager to meet and converse with the occasional Jews whom he came across is manifested by such entries in his *Diary* as these:

> G. D. I hear of a Jew in this place. I would seek some conversation with him.[29]

[29] *Diary*, part 2, p. 469, August 10, 1717.

G. D. I am this week entertained, with surprising advice, concerning the Jew, with whom and for whom we were so much concerned three and twenty years ago.[30]

Not only this but there is evidence to suppose that he frequently preached upon the subject of converting Jews.[31]

There is every reason to suppose that he enjoyed the personal friendship of Judah Monis, and although Monis' conversion is credited almost wholly to Increase Mather, it would be strange if Cotton Mather had not been of some assistance to his father in that event. Cotton Mather's *Diary,* however, contains no mention of Monis, and records no personal triumphs with Jewish converts. So that beyond the intermittent personal contact with isolated Jews, Cotton Mather's relationship with the Jews and Jewish interests seems to have been wholly literary.

[30] *Ibid.*, p. 500, January 17, 1717/8.

[31] "His burthen certainly is almost insupportable, for he would fain have preach'd a Lecture sermon to stir up devout persons to pray for y^e^ conversion of y^e^ Jews." Supposed letter from Rev. Cotton Mather sent anonymously to Judge Sewall, April 13, 1720: "Collections," *supra,* 4th series, vol. viii, p. 217.

NOTES OF JEWISH INTEREST IN THE DISTRICT OF COLUMBIA.

By Rev. Abram Simon, Ph. D.

I.

A Supposed Interdenominational Society in 1832.

When I came to Washington, D. C., in 1903, there was a tradition current and fondly accepted by all that during the year 1832 the Jews, Catholics, and Protestants speaking the German language met regularly for joint worship. Max J. Kohler, of New York, who had heard of it, called my attention to the precise language used by Mr. Justice Hagner in the famous Ebbinghaus-Killian case, decided November 21, 1881.[1] In the course of his opinion, the Court said:

> It appears from the proof that about the year 1832 a large number of Germans found themselves domiciled in the city of Washington, which then contained no church where the services were performed in their own tongue. The bond of nationality proved stronger than devotion to religious forms, and they all, from time to time, assembled in common worship conducted in the German language by some of their members; and the testimony discloses the rather remarkable fact that this company of foreigners, composed of Jews, Roman Catholics, Lutherans, and Calvinists, for a considerable time continued in harmony to attend the same religious exercises.
>
> About the close of the year, at one of these religious meetings, it was mentioned by some one present, that he understood there were two lots of ground in the western part of the city, which had been set apart by a certain Jacob Funk for the benefit of German religionists. It was therefore decided that inquiry should be made to ascertain the facts. The result of the investigation disclosed that on the assessment books of the city there stood in

[1] 1 Mackey (Supreme Court, D. C.), 247.

the name of "D. Reintzel, for Lutheran Congregation", a lot at the corner of Twentieth and G Streets, and in the name of "Reintzel, for Calvinist Society," a lot at the corner of Twenty-second and G Streets. . . . .

But shortly afterwards they took possession of the lot at the corner of 20th and G Streets, and by the joint efforts of all the Protestant Germans, a church was erected for their common use; the Jews and Roman Catholics having previously withdrawn and allied themselves with congregations of their own faith.[2]

That there was a considerable population of Germans in what was later known as Washington at the time of the Revolutionary War calls for no special proof, but it is very probable that in the early streams of Germans before 1848 many Jews could be found.[3]

Justice Hagner's statement gives the impression that there were German Jews in Washington in the third decade of the nineteenth century. An examination of the early records of this remarkable Concordia Society reveals about fifty names but does not disclose on the surface of it names that would readily be distinguished as Jewish. Of these few dozen it is not likely that there could have been more than half a dozen Jews; yet it is impossible to identify even one. The files, affidavits, and testimony of the witnesses do not reveal anything further than that the Orthodox and Reform wings of the Protestant Church met together for joint worship.

The "City Directory" of 1834 contains the names of Captain Alfred Mordecai[4] and E. A. Cohen. Miss Rosa Mordecai informs me that when her brother Frank died in Washington in 1841 her father found it impossible to locate any Jews who could be called to attend the funeral rites. The only one, so far as I can discover, who could have been called was E. A. Cohen. This directory in question was published by E. A.

[2] *Ibid.*, pp. 251, 252.

[3] *Publications of the American Jewish Historical Society*, No. 9, pp. 87, 123.

[4] See *ibid.*, No. 3, p. 40; *ibid.*, No. 6, p. 47; *ibid.*, No. 23, p. 125.

Cohen and Company. Some of the oldest residents here are fairly certain that this is the Mr. Cohen whose grandchildren, conducting a shoe business, have for the past fifty years been members of the Christian Church. That Mr. Justice Hagner had at his disposal any other information than what has passed under my eye must be assumed, and even with this assumption I am forced to the conclusion that the justice construed the testimony of the two branches of the Protestant denomination into the claim that Jews and Catholics worshipped with them.

II.

Captain Jonas Phillips Levy.

The name of Captain Levy appears so frequently in the early records of the Washington Jewish community that an extended publication of his varied activities, at least as a member of the Washington Hebrew Congregation, becomes historically necessary and valuable. Before his coming to Washington he had already won his spurs.[5] His splendid activities in connection with the Swiss Treaty and his courageous stand for the rights of our people are fully considered by Sol M. Stroock.[6] I do not know if Captain Levy was the official representative in Washington of the Board of Delegates of American Israelites, yet it is quite apparent that during his residence of seven years not a question affecting the interests of Jews anywhere failed to find in him a staunch advocate.

III.

A Charter From Congress.

In the year 1852 there were about two dozen Jewish men who met for worship in various parts of Washington, as favor-

[5] Morais, "The Jews of Philadelphia," p. 471; "The Jewish Encyclopedia," vol. viii, p. 60.

[6] *Publications, supra*, No. 11, p. 7.

ing conditions permitted them. The arrival of Captain Levy instantly stirred new life into the little congregation and forthwith they decided to organize on a permanent basis, to secure a lot for the synagogue and to send to New York, Philadelphia or Baltimore for a rabbi. Believing that the new congregation in 1854 did not possess sufficient right to elect and discharge its trustees at will, and to hold property under the existing laws of the District, and having learned from legal authorities that the laws of the District of Columbia, while not altogether sectarian, could be construed as specifically Christian, Levy presented a Memorial, written by him and signed by eighteen other members,[7] asking for a Congressional charter which would guarantee them equal rights with all the other denominations in the District of Columbia.

To The Honorable, the Senate and House of Representatives of the United States in Congress Assembled.

The Memorial and petition of the undersigned showeth: That they are members of the religious body professing the Jewish religion and doctrines known as "Washington Hebrew Congregation". That the existing laws of the District contain no provision, as they are advised, under which they can be construed as a congregation, having power to purchase and hold for their common use and religious exercise a place of worship, or other real estate, or authorized to exercise any of the functions of a corporate body.

Your memorialists are residents of the District of Columbia and earnestly desire that your honorable bodies will confer upon them a Charter, investing them with corporate power, and with such privileges and immunities as are enjoyed by other religious bodies in this community, with such limitation and restrictions as to your Honorable Bodies may seem expedient and right, and as in duty bound they will ever pray.

[7] Joseph Friedenwald, Joseph Joseph, Leopold and M. Oppenheimer, H. Mela, Solomon Pribram, Feist and S. H. Hanlein, Jonas Gluck, Merno Lully, Herman Lissberger, Nehemiah Kaufman, William Wolf, Leopold Block, Sam Herman, A. Rice, N. A. Schloss, and Isaac Herzberg. The first officers of the chartered congregation were: Joseph Friedenwald, president; Joseph Joseph, vice-president; Leopold Oppenheimer, treasurer; and H. Mela, secretary.

Accompanying this Memorial was a letter dated January 28, 1856, by Jonas P. Levy to Hon. Lewis Cass, United States Senator from Michigan, in which the latter's coöperation in securing a bill for immediate passage was asked. At the same time Levy enclosed a model charter which he had written and added this note:

I would also suggest that you include the right to erect another synagogue under the same charter, should it be required by an increase of the Congregation. We also wish to have the power to sell stock of our corporation to our co-religionists.

With this model charter Levy wrote the following letter to Hon. A. G. Brown, on March 19, 1856:

Sir: The Law has been examined and will not answer our purpose as our counsellor informs us. Please present the one given to you with such amendments as your judgment may suggest.

It is interesting to note that aside from the details necessary to protect the congregation and the cemetery the model charter had as section 10 the following:

And be it further enacted that nothing in this act shall be so construed as to authorize said corporation to speculate in lands, or to issue any note, token, device, script or other evidence of debts to be used as currency.

Senator Brown, then Chairman of the Senate Committee on the District of Columbia, presented this Memorial in a bill, No. 199, which was referred to the full committee for report. This report, known as No. 58, declares:

That Congress in 1844 passed a law conferring on religious societies without restriction as to sect, the power thro the intervention of Trustees to purchase and hold for the benefit of such religious congregations, as places of worship, any lot, tract or parcel of land. This law is general in its application, and confers on the Memorialists all the authority that other churches enjoy. The Memorialists, however, think there may be a doubt on this point, and they desire to have authority to appoint and dismiss their own trustees at pleasure, and to impose certain limitations on their power. Your Committee seeing no objection to this, and deeming it reasonable, report a bill for these limited purposes.

When this bill came before the House on April 17, 1856, Mr. Jones, of Tennessee, asked for its immediate consideration, to which Mr. Bennett, of Mississippi, objected. Mr. H. Marshall, anxious to push this bill, said:

> The gentleman objected to the bill in regard to the Hebrews. My bill is in regard to the Americans [Laughter].

So reads an interesting item in the *Congressional Globe.* The charter was finally secured and a copy of the original written by Captain Levy hangs in the board-room of the congregation. The following is its language:

> THIRTY-FOURTH CONGRESS OF THE UNITED STATES OF AMERICA, at the first session, begun and held at the City of Washington, in the District of Columbia, on Monday, the 3rd day of December, 1855.
>
> AN ACT for the benefit of the Washington Hebrew Congregation in the City of Washington.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled.* That all the rights, privileges and immunities heretofore granted by law to the Christian churches in the City of Washington, be and the same hereby are extended to the Hebrew Congregation of said City, and that the third section of the Act approved the seventeenth of June, eighteen hundred and forty-four, entitled "An act concerning conveyances or devises of places of worship in the District of Columbia," shall be so construed as to allow the members of the Hebrew Congregation from time to time, by a vote of two-thirds to elect their own trustees, and the same by a like vote to displace at pleasure, which said trustees shall, during their continuance in office, have the same title in and power over any lot or tract of land, as if held by them under the act aforesaid for a Christian church; *Provided,* That any and all legal and equitable rights, demands, or liabilities of the said Hebrew Congregation, acquired or assumed by or through said trustees, shall be limited to the trust property of said congregation held by said trustees.

The charter having been secured, Captain Levy proceeded to draw up the constitution and by-laws of the Washington Hebrew Congregation and on the 19th of July, 1857, forty-

four signatures were thereto affixed. Article 8 and Article 9, Section 2, thereof read, as follows:

> **There shall be elected by written ballot on the first Sunday in the Month of August 3 trustees according to our Charter from the Government of the United States, and all officers of this society must be citizens of the United States of America. . . . .**
>
> **Any member marrying contrary to our religious laws shall forfeit his or her membership.**

The stern obedience demanded by military officers pervades the regulations and by-laws. For instance, Article 8 of the latter reads:

> **Any member who shall be elected to the Office of President, Treasurer or Secretary and refuse to serve, shall forfeit and pay a fine of $5, unless he shall have served in either of the said offices in the preceeding year.**

Section 12 adds:

> **For leaving a meeting without permission thereby destroying a quorum $2 fine.**

IV.

Sunday Legislation.

The eleventh number of the *Publications of the American Jewish Historical Society*[8] contains a very valuable article by Albert M. Friedenberg on the development of Sunday legislation with respect to the Jews in this country. The following incident indicates the first reference to this question in Washington. There was no municipal regulation concerning Sunday labor until 1864; but the laws of Maryland practically governed the District of Columbia with respect to property rights and civic obligations. The temperance question had for some time previous been hotly contested and the decision was reached "that no liquor be sold on Sunday." So liberal was the sentiment that the Council refused to call the community to a public celebration of Thanksgiving Day because it did not care to mix in "religious politics or political religion." But

[8] P. 101 *et seq.*

Mayor Berrett, "under the pressure of public opinion," issued a proclamation under his own authority.

It was to this same Mayor that Captain Levy wrote the following note of inquiry:

November 14, 1859.

Sir:

We most respectfully inquire of your Honor the following information:

It is desirable that our coreligionists, transacting business in this city and District shall keep their places of business closed on their Sabbath, the seventh day, set apart, from work or labor. If they do this strictly, will they be allowed to keep open their places of business on Sunday, the first day, without being subject to any disturbance of the local authorities or corporation laws of this City and District?

Your reply will much oblige,

Yours very Respectfully and obedient servant,

JONAS P. LEVY, 562 Penna. Ave.,
For himself and others.

To. Hon. J. G. Berrett, Mayor.

In the same issue of *The Washington Star* appears this reply:

November 18, 1859.

Gentlemen:

In reply to your inquiry I have to say that a law of Maryland which Congress has extended over this District expressly forbids "any bodily labor on the Lord's Day, commonly called Sunday," under penalty.

That day has become consecrated over the civilized world for more than eighteen hundred years, and the best interests of morality, of society and of humanity require that it should be kept "holy" according to sacred injunction.

In obedience to the law and my own conviction of duty, I feel it incumbent to exert my official authority in insisting that all places of business shall be closed on Sunday, and in requiring every penalty for its violation to be rigidly enforced.

Respectfully, your obedient servant,

JAMES G. BERRETT, Mayor.

To Jonas P. Levy and Others.

This response seems to have brought the incident to a close.

DANIEL L. M. PEIXOTTO, M. D.

By Daniel Peixotto Hays.

The Jews in all ages have been prominent in medicine and surgery, and many of them were physicians to Royalty during the middle ages in France, Spain, Denmark and England.[1] The great Maimonides was a physician in Egypt and wrote many works on subjects pertaining to his profession.[2] In more modern times, the Jews have maintained their standing in the medical profession and today in nearly every country there are many Jewish physicians who must be ranked among its leaders.

It may not be generally known, except among those who have made a special study of American Jewish history, that in the first half of the nineteenth century there was in the City of New York a Jewish physician who occupied a preëminent place in his profession, and was highly esteemed by his fellow practitioners.

Dr. Daniel L. M. Peixotto, the subject of this sketch, was the eldest son of Moses Levi Maduro Peixotto who came to this country from Holland about the year 1807. The family originally came from Spain and migrated by way of Holland to Curaçao in the West Indies.[3]

Moses Levi Maduro Peixotto married Judith Lopez Salzedo, and the subject of this sketch—their eldest child—was born in Amsterdam, Holland, July 18, 1800. He received some edu-

[1] "The Jewish Encyclopedia," New York, 1904, vol. viii, pp. 414-17.

[2] *Ibid.*, p. 415.

[3] "The Peixotto family traditions date back to 1492. In about 1699 Moses Peixotto came to Holland. The names of two brothers David and Joshua Cohen Peixotto appear on the great Register of the Portugese Synagogue of Amsterdam for the year 1673." Jacob Voorsanger in *Emanu-El*, May 26, 1905; "The Jewish Encyclopedia," New York, 1905, vol. ix, p. 582.

cation in Curaçao under the direction of Professor Strebeck and came with his father from Curaçao to New York, July 18, 1807.[4] His father was first a merchant in Front Street, New York, and after the death of Rev. Gershom Mendez Seixas, he acted as Minister to the Portugese Congregation Shearith Israel. In 1820, he gave up his business and was regularly elected by the Congregation as its *Hazan.* He served the Congregation until his death on July 16, 1828, at the age of 62 years, but declined to accept compensation for his services, and regularly paid over his salary to the widow of Rev. Gershom Seixas, his predecessor.[5] He was originally buried in the old cemetery on Chatham Square, but, in 1856, his body was removed with many others to the cemetery on 21st Street West of 6th Avenue, by reason of the fact that the New Bowery was opened and extended from the Bowery to Franklin Square.[6]

Daniel L. M. Peixotto entered Columbia College Medical School from which he received the degree of M. D. in 1819. He subsequently attended Columbia College and was graduated with the degree of M. A. in the year 1825.[7] While he was at college, he was a member of the Philolexian Society, which is still in existence, and from a history of this Society extending from 1802 to 1902, I quote as follows:

> To those members who have passed from this life, who, by their efforts, have so largely contributed to present successes, the Society lays on their bier its most humble offering. . . . . The names of such men as Nathaniel F. Moore, 1802; David S. Jones, 1806; Benjamin Haight, 1811; Henry Anthon, 1813; Stuyvesant Fish, 1816; Daniel L. M. Peixotto, 1816; are held in the highest esteem by the Society.[8]

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[4] J. J. Benjamin, *Drei Jahre in Amerika;* "The Jewish Encyclopedia," *idem.*

[5] *Publications of the American Jewish Historical Society,* No. 6, pp. 132, 133.

[6] *Publications, supra,* No. 6, p. 133; *ibid.,* No. 18, p. 122.

[7] "Register of Columbia University."

[8] Ernest A. Cardozo, "A History of the Philolexian Society of Columbia University, 1802-1902."

Prior to taking his degree, he had entered the office of Dr. David Hosack who was an eminent physician of that period.[9] Dr. Hosack was a professor of natural history and materia medica in Columbia College and one of the founders of Bellevue Hospital, the physician to George Washington, and the attendant physician on July 11, 1804 at the duel between Hamilton and Burr. He was also president of the New York Historical Society.

Shortly after Peixotto's graduation, he went to the West Indies where he remained for a few years, and then returned to New York to practice his profession. He was not only active in the practice of his profession, but interested in all movements tending to its advancement and development, and contributed largely thereto. While in his twenties, he was actively concerned in the scientific progress of his profession, and there appeared in 1822 in *The New York Medical and Physical Journal,* the first regular quarterly medical journal ever undertaken in the English language,[10] an article written by him entitled "Observations on the Climate and Diseases of the Island of Curaçao."[11] This journal was founded in 1822 by Dr. John B. Beck in conjunction with Drs. Dyckman and Francis, all leading practitioners of that day, and the first-named a brother of Dr. T. Romeyn Beck, author of "Beck's Medical Jurisprudence." Dr. Beck continued as chief editor for seven years, being associated, as hereinafter stated, with Dr. Peixotto from the year 1825.[12]

[9] "The Jewish Encyclopedia," *idem.;* Markens, "The Hebrews in America," New York, 1888.

[10] "Dr. Peixotto's Inaugural Address," J. Seymour, Printer, New York, 1831, p. 9.

[11] Vol. i, p. 395 *et seq.*

[12] "Biography of Eminent Physicians and Surgeons of the Nineteenth Century," Samuel D. Gross, *ed.,* 1861, p. 607; *New York Medical and Physical Journal,* vol. i, prospectus; *ibid.,* vol. iv, title-page.

Other articles written by Dr. Peixotto and appearing in this *Journal* in 1823, were one "On the Prevalence of Typhus in Tropical Countries" [13] and another on "Lyanche Lavyngea," [14] and in 1824, he contributed another article on "Calomel in Dysentery." [15]

In 1825, Dr. Peixotto became one of its editors in association with Drs. John B. Beck and John Bell, both eminent practitioners,[16] and in the same year he joined with other physicians much older than himself and most prominent in the profession in the formation of an association to be known as the Academy of Medicine of New York. The purpose of this association was stated to be "devotion to the cultivation of medical science and collateral branches." Dr. Felix Pascalis was named as president, Drs. Beck, Watts, Jr., Sterns and Smith, as vice-presidents, and Dr. Peixotto, as secretary.[17]

In 1827 Drs. Beck and Peixotto were the editors of *The New York Medical and Physical Journal,* and in 1829 and 1830 Dr. Peixotto was sole editor. During this period, while Dr. Peixotto was editing this *Journal,* he was practising medicine and an active member of the New York County Medical Society.

He was a man of fine education, with great natural ability, and a master of languages. He spoke French and Spanish as fluently as English, and was learned in both Greek and Latin. He possessed a fine literary style, and was well versed in the Classics. He was a contributor to *The Mirror* when that journal was under the control of Nathaniel P. Willis and George P. Morris, and as a friend of General Andrew Jackson edited the *True American* in his behalf.[18] He regarded his

[13] Vol. ii, p. 172 *et seq.*

[14] *Ibid.*, vol. ii, p. 436 *et seq.*

[15] *Ibid.*, vol. iii, p. 327 *et seq.*

[16] In 1829 Dr. Peixotto became sole editor: new series, vols. i and ii were edited by him.

[17] *New York Medical and Physical Journal*, vol. iv, p. 583.

[18] "The Jewish Encyclopedia," *idem.;* Markens, *supra*, p. 23.

profession as something more than an opportunity for making a living, but had a deep sense of the ethical and moral obligation which the doctor owed not only to his patient, but to the public, and was earnestly interested in everything tending to elevate the profession or to advance its scientific standing. This is evidenced strongly by the many lectures which he delivered, by his activity in the New York County Medical Society, and by addresses made by him on various occasions.

He was awarded a prize in 1826 by the Medical Society of the State of New York for a dissertation on the "Hooping (*sic*) Cough."[19] He was a fellow of the College of Physicians and Surgeons in 1829,[20] and a prominent member of the New York County Medical Society, the authoritative body of the profession and authorized to issue licenses for the practice of medicine. He served this body actively for many years, being its secretary, subsequently vice-president, and finally serving three years as president, in 1830, 1831, and1832.[21]

In 1825, he and Dr. John B. Beck were appointed by the society as lecturers,[22] and in 1826 he was appointed lecturer to the New York City Dispensary on "abdominal diseases and complaints of females";[23] in 1827 he was again appointed lecturer.[24]

On the occasion of his inauguration as president in 1831, he delivered an eloquent and thoughtful address, which was sub-

[19] *Transactions of the Medical Society of the State of New York, 1807-1831*, p. 366; "History of New York State Medical Society" in *U. S. Medical and Surgical Journal*, No. 18, vol. ii-iii, 225; *New York Medical and Physical Journal*, vol. v, p. 302.

[20] Title-page, "Peixotto's Gregory," 1830.

[21] He was elected president, July 12, 1830; reëlected July 11, 1831 and again June 9, 1832. "Minutes, New York County Medical Society," vol. i, pp. 419-20, 441, 504.

[22] "Minutes," *supra*, p. 333.

[23] New York Medical and Physical Journal, vol. v, p. 144; title-page.

[24] "Minutes," *supra*, p. 351.

sequently printed, pursuant to the following resolution of the society:

Resolved that the Secretary be requested to wait on the President and request from him a copy of the eloquent address delivered by him this day for publication.[25]

In this address he referred to the code of ethics adopted by the society as being highly eulogized in Great Britain and France. He also called attention to the humble condition of the medical profession for more than a century after the settlement of the provinces and quoted from a writer, whom he described as public-spirited and ingenuous, that the greater part of the practitioners in the City of New York, in the middle of the eighteenth century were mere "pretenders to a profession of which they were entirely ignorant."

He called attention also to the fact that the first human dissection attempted in the colonies was in the City of New York and the first degree of doctor of medicine emanated here.

A citation of the closing paragraphs of his address will reveal to some extent, his character and his conception of his profession:

Lastly, gentlemen, to the successful improvement of professional character the possession of public virtue is indispensable. Intellectual superiority is enviable and vast learning is honorable and honored, but a Society which should be distinguished by these qualities, eminent as they are, and yet should not possess the higher attributes of moral excellence, would be like the fabled statue of Prometheus before the fire of Heaven had animated its being and inspired it with a soul. Its proportions might be exquisite, its outlines graceful, its workmanship complete, but it would be cold marble still. Endue it with a soul, with moral energies and responsibilities and with what superior charms will it be invested? How admiration of the lifeless statute warms into rapture. On the medical profession, the duties springing from an active and disinterested morality, are particularly enjoined as

[25] "Minutes," *supra*, July, 1831; title-page of address delivered by Dr. Peixotto before the Society, July 25, 1831, J. Seymour, Printer, 1831.

beings accountable, first by their knowledge, secondly, by the mode in which they apply it to practice, and thirdly, by the vast opportunity afforded them of exercising all the dearer charities of society, and of cultivating all the pleasures which so abundantly spring from a useful and well spent life.

Until Dr. Peixotto left New York to assume the presidency of Willoughby College, Ohio, he was a very active and influential member of the New York County Medical Society and his name appears frequently in its records as chairman or member of important committees. He seems to have been strongly impressed with the dignity of his profession, and the necessity of keeping it up to high ethical and moral standards.

He was appointed on a committee with reference to quacks practising medicine,[26] and in a lengthy report which he made, January 18, 1830,[27] he urged the petitioning of the legislature to place the medical profession under wholesome and wise control of law and to exclude all ignorant pretenders and knavish impostors.

He referred in this report to a provision of law exempting those using bark roots and herbs from the penalties of the act incurred by those practising physic, and urged the repeal of the law and that no one should be allowed to practise without due preparation and examination and only after being duly licensed.

While he was jealous of the dignity of his profession and urged its maintenance of the highest ethical and moral standards, he was brave enough to take up arms against injustice being done, under the guise of "ethics." So in 1829 after Dr. Daniel Dayton had been unjustly criticised by some of his fellow-practitioners concerning his treatment of the late Rev. H. I. Feltus, Dr. Peixotto presented to the New York County Medical Society, and had passed, resolutions approving the treatment of Dr. Dayton and censuring Dr. James R. Manley

[26] "Minutes," *supra*, p. 290.
[27] "Minutes," *supra*, p. 412.

who seems to have been responsible for the circulation of the criticism.[28]

He served on a committee with Drs. Jonathan Eights and John McCall to inquire what changes were necessary in the medical laws of the state, and to report such facts as they deemed expedient relative to petitions before the legislature on that subject.[29]

In February, 1835, he served on another committee with Dr. T. Romeyn Beck to improve the system of vaccination and prevent the use of vaccine by those not properly qualified.[30]

In July 1828, he was elected censor by the New York County Medical Society,[31] and in February, 1835, he was elected one of the three censors for the Southern District of New York at the annual meeting of the State Medical Society.[32] His name appears on the list of those eligible for election as honorary members of the New York State Medical Society in 1837, but he never seems to have been elected.[33] Dr. Isaac Hays, of Pennsylvania, appears to have been the only Jew to have been so honored, having been elected an honorary member in February, 1842. Dr. Peixotto, however, was elected to honorary membership in the Medical Society of Lower Canada in 1836.[34] He was a delegate from the New York County Medical Society to the annual meeting of the Medical Society of the State of New York in February, 1835, at Albany.[35] In the following year he was given the title of professor of the theory and practice of

[28] "Minutes," May 11, 1829, *supra*, p. 391.

[29] "Transactions, Medical Society of the State of New York," Appendix, vol. ii, p. 21.

[30] *Ibid.*, p. 22.

[31] "Minutes," *supra*, p. 375.

[32] "Transactions," *supra*, p. 24.

[33] "Transactions," *supra*, Appendix, vol. iv, p. 20, (1837).

[34] "The Jewish Encyclopedia," *idem.*

[35] "Transactions," *supra*, Appendix, vol. ii, p. 18, (1834-35).

medicine.[36] Notwithstanding his many activities, he found time to assist in organizing the society for assisting the widows and orphans of medical men.

In 1830, Dr. Peixotto edited, under the title "Peixotto's Gregory," a well-known book written by George Gregory, M. D., a celebrated English physician, and designed for the use of students.[37] At that time, as appears from the title-page, he was editor of *The New York Medical and Physical Journal,* vice-president of the Medical Society of the City and County of New York, and fellow of the College of Physicians and Surgeons of the University of the State of New York. The notes written by Dr. Peixotto in the appendix to this volume are numerous, and contain, among other things, an interesting account of the epidemic of yellow fever which visited New York in 1822. In these notes, he refers to Greenwich, "a village about a mile from the City."[38]

In 1836, he left New York and went to Willoughby, Ohio, where he became professor of the theory and practice of medicine in Willoughby Medical College, and its president.[39] He held these positions for a number of years, after which he returned to New York where he died, May 14, 1843.

While actively engaged in the practice of his profession and earnestly endeavoring to promote its welfare and contribute to its highest ethical and moral standing, he nevertheless possessed a mind broad enough to be interested in literature, and was a great reader. He also found time for social contact with his fellow-men which is evidenced by his membership in Washington Lodge, No. 19, F. & A. M., which he joined in 1828 and

[36] Morais, "Eminent Israelites of the Nineteenth Century"; "The Jewish Encyclopedia," *idem.;* Markens, *supra.*

[37] Published by M. Sherman, 1830.

[38] "Peixotto's Gregory," p. 653.

[39] "The Jewish Encyclopedia," *idem;* Address of Dr. Peixotto as president of Willoughby College, 1836 (in Library of the Academy of Medicine).

of which he was Master in 1833.[40] Among the charter members of the lodge, we find the names of Mordecai Myers, Israel B. Kursheedt, Naphtali Judah and Aron Judah.[41]

It is also worthy of note that he possessed a broad and deep religious nature and was a firm believer in the Jewish faith as is evidenced by an address delivered by him before the Society for the Education of Orphan Children and the Relief of Indigent Persons of the Jewish Persuasion while he was vice-president of the Medical Society of the City and County of New York.[42] As evidence of his broadness, I quote from this address:

> It is not in the land where the very term toleration is exploded and which acknowledges him as equal to his fellow creature man, that the Jew can regard that fellow creature with indifference or a contracted spirit.[43]

As an example of his conception of the Bible:

> The writings of the Hebrews are generally acknowledged to be unequalled for the simplicity and dignity—the strength, conciseness and boldness of their style; the perfect truth to nature of their imagery; their animated eloquence and sublime figures. The conceits and puerile vanities which disgrace much of classical literature are altogether banished from their pages. It may however be suggested that these writings were inspired. This assertion is more imposing by its speciousness than forcible by its application. The great truths and sublime doctrines which were inculcated by Moses and the Prophet were undoubtedly derived from immediate communication with the Almighty.
>
> It does not follow thence that every word and sentence was literally dictated to them. Where this was done, it is expressly stated. The great outlines were furnished but the filling up of the

[40] Robert W. Reid, "Washington Lodge," New York, 1911, p. 194.

[41] *Ibid.*, p. 2.

[42] "Anniversary Discourse pronounced before the Society for the Education of Orphan Children and the Relief of Indigent Persons of the Jewish Persuasion," printed by J. Seymour, 49 John St., New York, 1830.

[43] *Ibid.*, p. 17.

canvass was left to the genius and industry of the elevated instruments of Divine intercourse with man.[44]

Speaking further of the necessity of education, he made the following reference to Mordecai M. Noah:

This is not the first time your attention has been called to this important subject. On the very day when the edifice in which we are now assembled [Shearith Israel Synagogue, dedicated 1818] was consecrated to the service of the Almighty, the orator judiciously selected for that interesting occasion, and of whom it is no more than justice to say, that however his character has been assailed in the unsparing ebullitions of party animosity, his private virtues and benevolence, and especially the independent and fearless tone in which he never fails to resent the least aggression on the character of his people, will ever entitle him to our esteem, emphatically and impressively exhibited its importance to your welfare and its indispensable necessity to your moral elevation.[45]

After urging that one of the objects to be taught the pupil should be a knowledge of the Hebrew language, he closed with these words:

Our cause cannot be listened to without emotion. It is the cause of the Bible. Yes, the Jew is identified with the same volume on which Christian and Jew alike repose their faith and their differing but not uncongenial hopes of prosperity in this world and immortal felicity in the next.[46]

He married Rachel Seixas who was descended from Isaac Mendez Seixas and a daughter of Benjamin Mendez Seixas. He had five daughters and three sons. All of his daughters are now deceased with the exception of the youngest, Mrs. Michael M. Davis, still living in New York in 1917.

Dying at the age of forty-three and leaving little, if any, means, the duty devolved upon his eldest daughter, Judith Salzedo Peixotto,[47] named after her grandmother, who after-

[44] *Ibid.*, pp. 19-20.
[45] *Ibid.*, p. 28.
[46] *Ibid.*, p. 30.
[47] See *infra*, p. 249.

wards married David Hays, to bring up and provide for a large family. This she did by taking up the profession of teaching and subsequently becoming the first[48] Jewish principal of public schools in New York.

One of his daughters, Sarah, married Abraham H. Cardozo, the father of Michael H. Cardozo, a well-known lawyer and a deceased member of this Society,[49] and another, Zipporah, married Benjamin Seixas. His son, Benjamin F. Peixotto, is well-known to American Jewry and an account of his life has been written elsewhere. His son, Moses L. M. Peixotto, was a druggist in New York for many years, and, when the Civil War broke out, a member of the Seventh Regiment. He went with this organization to Washington, and after it was recalled to New York, was so anxious to continue his services in behalf of his country, that he went to Ohio, where Benjamin F. Peixotto then lived, and became Captain of the 101st Ohio Regiment in which he continued throughout the war. His son, Raphael Peixotto, was a merchant in New York for many years, but finally settled in San Francisco, California, where he not only became prominent in its business life but evidenced his interest in Jewish affairs by taking an active part in the Congregation Temple Emanu-El, of which he was president for many years and at the time of his death. The prominence and prosperity of this congregation were largely due to his efforts.[50]

[48] *Excelsior Annual*, for 1849, edited by Edward B. Fellows, New York, in possession of writer; records of Board of Education, from 1843 to 1853.

[49] *Publications, supra*, No. 17, p. 210 *et seq.*

[50] *Emanu-El*, May 26, 1905.

NOTES.

"Six French Men-of-War Full of Jews at Louisburg."

Fort Fredericks[1] was erected in 1729 as an English outpost to protect the scattered settlers of the New England colonies against French and Indian attack. Colonel David Dunbar under orders from the king claimed jurisdiction from his headquarters at Fort Fredericks from the Kenebec to the St. Croix River. As Surveyor-General of the Woods, etc., in America, reporting to Mr. Secretary Popple of the Board of Trade,[2] Colonel Dunbar wrote:

> Fredericks Fort August ye 25th 1732.
> . . the small addition to the party from Governour Phillips' Regiment, promised me by Colonel Armstrong, in Aprill last is not yet arrived, and as they were ordered from Canso, it is possible that they may be Countermanded upon a report from thence of Six french men of Warr at Lewisburg on the Island of Cape Britton, full of Jews to settle the Island of St. John's in Bay Verte on the back of the bottome of the Bay of Fundy,[3] which Bay is already planted onely with french who will supply and Maintain this new intended Settlm[t] of St. Johns with bread, Corn, & live Cattle, if not prevented, ...

Investigation fails to disclose any basis for this threatened invasion of Jews, and it was probably only a groundless rumor.

Lee M. Friedman.

A Philadelphia Jewish Merchant's Day-Book, 1755-1761.

This book, a narrow folio, in vellum, containing 51 pages of entries headed Philadelphia and mainly covering the years 1755 and 1756, was acquired by the writer at auction and is now the property of the American Jewish Historical Society.[4]

[1] Now Penaquid, Maine.

[2] Public Record Office, "Board of Trade, Nova Scotia, vol. vii, E 29."

[3] Probably Prince Edward's Island, although there was another smaller St. John's.

[4] It was described by him at the Society's meeting in 1913 and an abridged account of his description appeared in *The Jewish Exponent*, February 21, 1913, p. 7. It is thought well to print here only some of the details there given, together with further data. Since the meeting the book has been referred to and commented on, from the published account, in the finely conceived and well executed work of William Vincent Byars, "B. and M. Gratz, Merchants in Philadelphia, 1754-1798," Jefferson City, Mo., 1916, pp. 11, 31.

The name of the merchant does not appear directly in the book. That he was a Jew is seen from an entry in which the Hebrew for the word Passover occurs, which hardly would have been used by a non-Jew. This reads: "House Expences Dr. to Cash Pr. Mathias Bush for Pesach" (in Hebrew).

It was originally thought by the writer that the merchant was David Franks of Philadelphia, into whose counting-house Barnard Gratz is known to have gone in 1754, at about the age of seventeen. Mr. Byars is of opinion that the book contains a record of the transactions of Barnard Gratz as a "merchant venturer" in Philadelphia with Benjamin Moses Clava, while employed by Franks. This opinion is based upon a memorandum signed by Clava and Gratz, dated 1769, following the last entry in 1761. This memorandum can, by a comparison with other writings, be shown to be in Franks' hand. It reads:

> Memorandum June 5, 1769. These accounts were then examined and it appears that there is the following balances due:
>
> To Benjamin Moses Clava £ 99.14.10
> To Barnard Gratz 12.13. 3
>
> Ben. Mos. Clava
> Barnard Gratz.

This is partly explained by a slip of paper, containing only figures, in another hand, pinned on the following page, showing debits against Clava of £366.14 and credits in his favor of £466.8.11, while Gratz's debits were £138.18.11 and his credits £151.11.9.

This slip, taken in connection with the memorandum, clearly indicates that the transactions in which Clava and Gratz were interested had been singled out from all the entries in the book. The reference to balances due must mean from some third person to Clava and Gratz on the transactions. The balance could not be due from one to the other. Mr. Byars gives[5] a copy of a bill of Gratz against Franks, dated June 2, 1769, showing a balance in Gratz's favor of about £500 on debit and credit transactions, which Gratz noted "never was settled yet," instead of the balance of £12.13.3 appearing in the memorandum three days later. The memorandum probably was made as a result of the bill and to state the account between Franks, Gratz and Clava. The absence of Franks' signature thereto indicates that he regarded the book as his, or the transactions, or some of them recorded therein, as having been made in his name and on his credit, though probably for the benefit of the signers.

[5] *Op. cit.*, p. 31.

Franks' relation to Clava and Gratz is shown by the following entries:

David Franks Debtor to Barnard Gratz for a discount on board and wages; David Franks debtor to Benjamin Clava for 9 kegs of butter delivered to him by Bd. [Barnard]; David Franks to Profit and Loss for B. Gratz wages for 15 months—£ 15. sterling; David Franks to House Expenses for B. G. Board from May 6, 1755 to June 6, 1756, is 56 weeks at 8/—£22.08 sterling.

In the bill given by Mr. Byars there is a charge for "Board wages" from June 6, 1756, to August 1, 1758, 111 weeks at 7/6—£41.12.6, while Gratz's salary is given as from February 1, 1754, to August 1, 1758, at £21 per annum.

In the day-book also are the following entries, in a credit on the bill to Hannah Moses[6] of £68.2.11:

Profit and Loss for my board and lodging £12.15; Profit and Loss for sundry charges you [Hannah Moses] made against me for trifles, £3.10.11; Profit and Loss for Barnard's Board £1.1.6.

This last item, in the third person, while the others are in the first, appears to be in Franks' handwriting. In a number of months in 1755 and 1756 there are entries of cash paid for household expenses.

Clava is charged in May, 1756, with a bill of goods for £258.18.6¾ and Gratz likewise in October, 1755, for £16.1. Both, in these two years, are charged for personal apparel and small cash items.

Clava's name is new to us. A relative probably was Moses Clava Levy, prominent in Charleston, South Carolina, after the Revolution.[7]

The names of the following Jews, with whom most of the transactions were had, occur in the book, in addition to the mention of Franks, Clava and Gratz:

Mathias Bush, John Franks, Michael Gratz, Mr. Hambroughman, Myer Hart, Solomon Henry of London, Levy Isaacs, Mordecai Isaacs, Moses and Lazarus Jacobs of London, Israel Joseph, Myer Josephson, Samson Lazarus & Co., Mrs. Levy, Benjamin Levy, Isaac Levy, Joseph Levy, Mr. Mendez, Sally Mitchell, Moses Mordecai, Hannah Moses, Michael Moses, Moses and Joseph (composed of Michael Moses and Israel Joseph), Myer Myers of New York, Mr. Paiba, and Joseph Simons or Simon.

[6] The Moses family, according to "The Jewish Encyclopedia," *s. v.* Gratz, married into the Gratz family.

[7] See *Publications of the American Jewish Historical Society*, No. 19, p. 85. "Benjamin Moses Clava, a Jew" was naturalized at Lancaster, Pa., September 24, 1762, and "Barnard Gratz, a Jew," at Philadelphia, April 11, 1763. See *Pennsylvania Archives*, 2nd Series, vol. ii, pp. 436, 441, 446; *Publications, supra*, No. 23, p. 1 *et seq.*; No. 25, pp. 113-4.

The wares dealt in were jewelry and optician's goods and small hardware, though a few articles of dry goods are charged in the bill to Clava. There are also some entries relating to racoon and muskrat skins and beeswax. Many of the entries refer to invoices by number and sales by letter. The transactions with Moses and Lazarus Jacobs of London related to bills of exchange which later grew into a law suit, mentioned in an entry in 1761. They are credited in 1756 with invoices 1, 5 and 7, amounting to about £300. One entry in the book refers to a venture in coffee, and another to a consignment for a voyage to Jamaica, while another is headed consignment to John Franks on a voyage to Halifax. In May, 1755, the following entries appear:

Profit and Loss for the charge that attended an entertainment given gentlemen from New York, £1.3; Ditto for Rum, Limes and Sundries, 4s. 2d.

On the cover and fly leaf of the book appear the name of Frank Marx Etting and the date 1854. At the reverse end in 12 pages is a list of autographs of prominent Americans, the collection of Etting, whose family was related to Barnard Gratz. More than half the pages of the book are unused.

SAMUEL OPPENHEIM.

FRANCIS JOSEPH GRUND.

This forgotten journalist and politician was born of Jewish parents either in Vienna, Austria, or in the German-speaking section of Bohemia in 1803 or 1805. Between 1825 and 1830 he emigrated thence; in the latter year he is found settled at Boston, Mass. Subsequently he resided in the neighboring Cambridge, where he may have maintained some relation to Harvard University. For a short time in 1837 he was American consul at Antwerp, Belgium; in 1841 and 1842 Grund occupied the post of consul at Bremen, Germany, and from 1859 to 1861 the similar office at Havre, France. In the intervals between his visits abroad he was Washington correspondent for several Eastern and Southern newspapers and active in German-American political circles. He died at Philadelphia, Pa., September 29, 1862. He wrote German campaign biographies of Martin Van Buren and William Henry Harrison; "The Americans, In Their Moral, Social and Political Relations," 1837 (also in German); "Aristocracy in America," 1839; a German hand-book for immigrants to the United States and Texas, then a separate republic; and "Thoughts and Reflections on the

Present Position of Europe, and Its Probable Consequences to the United States," 1860; besides text-books on algebra, geometry, arithmetic, chemistry, astronomy and natural philosophy between 1830 and 1835.[8]

A. M. F.

Jewish Owners of Ships Registered at the Port of Philadelphia, 1730-1775.[9]

The first entry containing names of Jews appears under date of October 10, 1730, when Solomon and Elias Depaz, of London, with a resident of Philadelphia, registered their ship *Diligence*, 80 tons burthen, built in Philadelphia.

In 1737 Rachel Marks, of Philadelphia, with others, registered as owners the brig *Lydia*, 54 tons, and in 1743 Joseph Marks, of the same place, registered the snow *Barbados Factor*, 50 tons burthen. Joseph Marks also, in 1743, registered the sloop *Charming Sally*, 60 tons, and in 1746 the snow *Hannah*, 40 tons burthen. In 1747 appears his registration of the schooner *Polly*, 40 tons, and in 1748, of the brig *Dolphin*, 50 tons. He registered in 1749 the ship *Prince Orange*, 70 tons, and in 1751 the snow *Dolphin*, 50 tons, and the snow *Charming Polly*, 50 tons burthen.[10]

March 10, 1743-4 Nathan Levy and David Franks of Philadelphia, with another, appear as the owners of the schooner *Drake*, built in that city. These two alone appear in 1745 as the owners of the sloop *Sea Flower*, 30 tons burthen, built in Connecticut. In 1748 they registered the ship *Myrtilla*, 100 tons, as owners, and in 1750

[8] See Gustav Körner, *Das deutsche Element in den Vereinigten Staaten von Nordamerika, 1818-1848*, Cincinnati, 1880, pp. 35, 49, 51, 57, 59, 60, 72, 76, 107, 111, 155, 418; Konrad Menzel, *Wolfgang Menzel's Denkwürdigkeiten*, Bielefeld and Leipzig, 1877, p. 225; H. A. Rattermann, *Gesammelte Ausgewählte Werke*, Cincinnati, 1911, vol. x, pp. 69-80; *Deutsch-Amerikanisches Magazin*, Cincinnati, 1887, p. 594 *et seq.*; Ulrich B. Phillips, *ed.*, "The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb," Washington, 1913, pp. 168, 278, 321, 455 *et seq.* In the late Marion D. Learned's "Guide" to the material on American history in the German archives there is a reference to Grund. A letter of the celebrated John Adams Dix, dated New York, May 20, 1827, addressed to Dr. George Cheney Shattuck, of Boston, mentioned Grund; see *Proceedings* of the Massachusetts Historical Society, vol. I, p. 152 (1917). Körner, *supra*, pp. 215-17, supplies some biographical particulars concerning Samuel N. Pike (1822-75), whose name was originally Hecht, a German Jew who figured in the affairs of Cincinnati for thirty years prior to his decease.

[9] From a compilation of "Ship Registers for the Port of Philadelphia, 1726-1775," in *Pennsylvania Magazine of History and Biography*, vols. xxiv-xxviii.

[10] The Marks family is mentioned about this period in Morais' "The Jews of Philadelphia."

the ship *Phila*, 105 tons, while in 1751 they owned the ship *Parthenope*, 95 tons.

In 1760 John Franks of Philadelphia owned with others the sloop *Two Sisters*, 30 tons, taken from the French by a privateer.

Samuel Levy of Philadelphia, in 1760, was the owner, with others, of the snow *Charming Betsey*, 80 tons, likewise taken by a privateer as a prize from the French.

Matthias Bush in 1770 was the owner of the ship *Priscilla*, built in Sussex County, Delaware, 130 tons burthen.

In 1771 Sampson Levy and another of Philadelphia registered as owners the schooner *Deborah*, 40 tons.

In 1772 Moses Franks, Isaac Levy and David Franks, residence not given, were the owners of the ship *Gloucester*, built in New Jersey, 230 tons, while in 1773, 1774 and 1775, Moses Franks of London, and David Franks of Philadelphia, together, were the owners of the ship *Delaware*, 300 tons, of the *Belle*, 170 tons, and of the *Mars*, 400 tons.

Daniel Nunez of Lewes, Sussex County, Delaware, mentioned in 1737-8, 1743 and 1750 I find, from a MS. source, noted as a non-Jew.

SAMUEL OPPENHEIM.

THE JEWISH SIGNERS OF THE NON-IMPORTATION AGREEMENT OF 1765.

In *Publications, supra*, No. 1, p. 50, Prof. Morris Jastrow, Jr., gave the names of some of the Jewish merchants of Philadelphia who signed the Non-Importation Agreement of 1765, in protest against the Stamp Act. His list, however, is not complete. The following additional names of Jews are to be found among the signers: Mathias Bush and Abraham Mitchel (*sic*). The former was the father of Solomon Bush, the well known Jewish patriot[11] and the latter was a partner of Joseph Simon in the firm of Simon and Mitchell.[12] The original agreement is in Independence Hall, Philadelphia, and this Society possesses a photographic copy of the signatures taken from a facsimile in the New York Public Library.[13]

[11] Morais, "The Jews of Philadelphia," p. 22.

[12] William V. Byars, "B. and M. Gratz, Merchants in Philadelphia, 1754-1798," Jefferson City, Mo., 1916, pp. 56, 57, 88. The Mitchell family soon after the Revolution was well known among the Jews of Philadelphia. See Morais, *supra*, p. 50.

[13] Hyman Levy, Jun^{r}, one of the signers, was not the famous Hayman Levy as the latter in 1765 was a prominent merchant in New York. The spelling of the first name is different and the writing also differs, as may be seen by a comparison of the signatures in the facsimile and in another facsimile printed in *Publications, supra*, No. 21, p. 99.

No list of the signers of a similar non-importation agreement adopted by the merchants of New York in 1765 appears to be extant, though the agreement itself is in print. The writer has made a diligent search for this list or a copy thereof but has been unable to find it. Possibly some reader may know of its whereabouts. This list no doubt included the names of many New York Jews.

SAMUEL OPPENHEIM.

"SOME NEW YORK JEWISH PATRIOTS."

In a discussion of this subject under the general title, "Incidents Illustrative of American Jewish Patriotism,"[14] Max J. Kohler declares:

> . . . . . It should be of interest to notice, for instance, that the decision reached in 1770 to make more stringent the Non-Importation Agreement which the colonists adopted to bring England to terms on the taxation question, had among its signers Samuel Judah, Hayman Levy, Jacob Moses, Jacob Myers, Jonas Phillips, and Isaac Seixas.

As authority for this assertion the *New York Gazette and Weekly Post Boy* for July 23, 1770, was cited.[15]

An examination, kindly suggested to me by Samuel Oppenheim who had investigated the subject, of the file of this periodical at the New York Historical Society disclosed the following facts.

Its correct title is *The New-York Gazette; or, The Weekly Post-Boy. With the freshest Advices, Foreign and Domestick.*

With the *Gazette* (No. 1438) of Monday, July 23, 1770, a two-page supplement was issued. Both are rare, and the New York Historical Society possesses the only copies in New York. In this supplement the following was printed:

To the Public.

As the late letter of our committee of inspection, to the Merchants committee in Philadelphia, asserts, "That the sense of our inhabitants had been again taken," concerning the non-importation agreement, and that there appear'd "a great majority for importing every thing except such articles as are or may hereafter be subject to duty, for the purpose of raising a revenue in America" The friends to the non-Importation Agreement, submitting the matter to the public, as the most proper judges in a case which concerns American liberty in general; not doubting, that in their determination they will justly discriminate between those who have had a due regard to the liberties of their country, and those who have not so well attended to them as the importance of the subject justly requires.

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[14] *Publications, supra,* No. 4, p. 81 *et seq.*, at p. 89.

[15] The names of Moses and Myers do not occur in the printed minutes of the Congregation Shearith Israel for this period, but are found in the MS. accounts.

The following is a copy of the lists returned by the ward-committees, to the committee of inspection, and contains the names of those who expressly assented to the proposal to import.

Should any gentleman's name be inserted in the list, for importation, against his opinion and declaration on so important a subject, it must be attributed to an error either in the persons who collected the sense of the inhabitants, or transcribed the lists. If any such error has been committed, on notice to the printer, it shall be corrected.[16] . . .

For Importing.

Abrahams Jacob [17]	Jacobs Daniel	Philips (*sic!*) Jonas
Hendricks Uriah [18]	Levy Hayman, s. k.[19]	Saxias (*sic!*) Isaac
Judah Samuel [17]	Moses Jacob	
Josephson Manuel [17]	Myers Jacob	

Only the names of Jews or such as may possibly have been borne by Jews, out of over two hundred signatories, are given above; Daniel Jacobs is not mentioned in the congregational records of the period, although David Jacobs is. It is very possible that the former was not a Jew.

This *Gazette* proceeded to remark:

[The List of those against the Non-Importation,[20] came to Hand with the above, but as they could not all be contained in this Paper, we are obliged to defer them till next Week.]

The next issue (No. 1439), also extremely rare, for Monday, July 30, 1770, contained the following:

To the Public.

The following is a list of those who gave up their names for continuing the non-importation agreement in conjunction with the other colonies. But the reader is not to consider those named in this list as the only persons in this city, who were for supporting the laudable compact; for there are a great number of the citizens that were so dissatisfied at the attempts that have been made from time to time, to violate the agreement, and the frequent applications made to them, to sign papers on that subject, that they would not make any other declaration, than that they had once sign'd the agreement, which they judged sufficient; . . . . .

Appended to this is a shorter list of names than the preceding, dated New York, July 23, 1770, and entitled "Against Importing." It includes the name of Isaac Pinto, the only undoubted Jew

[16] In the issue (No. 1441) of this journal for August 13, 1770, Charles Prosser, a non-Jew included in the list, advertised in protest against the conduct of those who inserted it and to state his principles on the matter. He is the only one, apparently, who adopted this course.

[17] Italicized in the original to distinguish him as an importer of goods.

[18] In the original his name was printed in small Roman type as one of "the persons who were very assiduous in bringing about the late resolution to import, and all of them were very zealous for it."

[19] So in original, shopkeeper.

[20] This word is evidently a misprint for "importing." See the heading over the list of names, *supra*, as well as further on in this memorandum.

thereon, and of Isaac Solomon, which may have been intended for Isaac Solomons.[21]

ALBERT M. FRIEDENBERG.

"SHEMAH ISRAEL," A MAGAZINE OF THE REFORM MOVEMENT IN CURAÇAO, 1864-1865.

The purpose of this note is to call attention to a volume, hitherto unnoticed or unknown, containing valuable historical material in reference to the Reform secession in Curaçao in the years 1864-1865. This volume is a periodical, called *Shemah Israel*, brought to my notice by Prof. Alexander Marx. The title page reads as follows:

Shemah Israel folleto Dedicado à los intereses del culto hebréo. Publicado por La Sociedad "El Porvenir." Curazao. Imprenta de A. L. S. Muller y J. F. Neuman, 1864-65.

The copy that I have examined is now in the library of the Jewish Theological Seminary of America. It formerly belonged to Daniel de Leon.[22]

Twelve numbers of the periodical were published, approximately monthly, beginning January 29, 1864, and ending May 30, 1865. Bound together they make a volume of 156 pages.

The prospectus, printed as a preface, announced the paper as the organ of the Society *El Porvenir*. This Society regarded and

[21] Isaac Solomons was at this time a member of the Congregation Shearith Israel. For material relating to the general subject of importation see the issues of June 4 (No. 1431), August 6 (No. 1440), and October 1, 1770 (No. 1447) of this periodical. See John Austin Stevens, in James Grant Wilson, *ed.*, "Memorial History of the City of New York," New York, 1892, vol. ii, pp. 390, 391, 405-407. It is there stated that there was hardly an importer who was not willing to sign the agreement to which these resolutions related. Of course this must have included the Jewish merchants. That agreement was adopted by the merchants of New York, June 22, 1769. It is given in Holt's *New York Journal, or General Advertiser* for July 6, 1769 (No. 1383), but without the names of those signing it. These are not available anywhere. Whilst New York's abandonment of the agreement by reason of the failure of the other colonies to live up to its terms, was condemned at first by several of them, the latter followed her example in this respect in the course of 1770. So long as New York upheld the provisions of the compact she suffered much thereby. I wish to thank Mr. Oppenheim for his assistance and advice in the preparation of the present note.

[22] Another copy, but comprising only ten members, is in the Leeser Library, of Philadelphia. See Cyrus Adler, "Catalogue of the Leeser Library," Philadelphia, 1883, p. 48.

tested religion by the light of reason and intelligence. The policy of the paper was therefore to offer and defend a rational interpretation of Judaism. It was not to break with the past, but, while reflecting the past, to remember that we live in the present.

The constitution and rules of the Society followed.[23] Noticeable is the twelfth article of the rules which provided for fixed dues, but those members who could not afford to pay these dues were to give what they felt they could afford to pay.[24]

The articles in the periodical were devoted to local news of the reform community, polemics with the orthodox community, and with Rev. Isaac Leeser, and reprints from articles in the *Archives Israélites*, news of the *Alliance Israélite Universelle*, etc.

In a well written article,[25] an affectionate farewell was taken from the old orthodox synagogue in which the members of the new reform community had grown up, and a brief notice[26] tells us that the new community, numbering 105 souls, had celebrated divine service for the first time in the house of David Senior, Jr., on Shabuoth. The new temporary Temple was dedicated on Saturday, July 16, 1864, adopting a ritual taken from Temple Emanu-El, New York.[27]

Meanwhile the relations between the old community and the new were growing more and more strained, and many articles recall to us the details of the troubled secession.[28] Particularly the question as to what recognition the orthodox should give the new reform community was a delicate and sore problem.[29] Since the old community was completely and centrally organized, any dissident put himself outside of the community and separated himself from organized Jewish life. It therefore became a serious question whether the secessionists were entitled to religious recognition by what was practically the "Established Church" in the Jewish community of Curaçao. The Hebra, (Burial Society), following the

[23] Pp. 3-6.

[24] The names of the members of *El Porvenir* and of the Congregation Mikve Israel are given on p. 4, and additional names of new members or the names of those who retired from membership later on are found on pp. 13, 40, 43, 56, 64, 80, 96, 112, 140, 148.

[25] P. 42.

[26] P. 44.

[27] P. 56. Abraham C. Henriquez preached the inaugural sermon, which is printed in full, p. 58.

[28] *E. g.*, p. 67.

[29] P. 71.

ruling of Chief Rabbi Chumaceiro, found it necessary to exclude the secessionists from membership.[30]

The first reform services held on the New Year and the Day of Atonement were described with great enthusiasm [31] and the account of the first anniversary celebration of *El Porvenir*, held on December 17, fills six pages.[32] On October 27, the Council of Elders of the old community finally decided on the attitude to be taken toward the secessionists. They posted the following resolution in the Synagogue:

> The Council of Elders, seeing that it is incompatible that the members of our community should be at the same time members of another religious institution or sect different from ours, declares that all those affiliated with the Dutch Israelite Reformed Community shall be considered as separated from this community.[33]

The rules of the Dutch Israelite Reformed Community which were adopted on September 3, 1864, are given.[34] In February, 1865, the total number in the reform community was 163, composed of 49 men (29 married and 20 single), 46 women (29 married and 17 single), and 68 children younger than 14 years. Of this total number, 9 were in New York, 4 in New Granada, and 7 in Venezuela.[35] With the figures of the money received, and the estimated amount needed for the buiding fund of the new Temple, the periodical came to an abrupt end.[36]

The bare outline of the origin of the reform community in Curaçao has not been unknown. The article "Curaçao" in "The Jewish Encyclopedia" devoted a dozen lines to it. But this periodical is apparently unknown. It is not mentioned in the list compiled by Profs. Richard Gottheil and William Popper in the article "Periodicals" in "The Jewish Encyclopedia." Nor can I find any reference to it anywhere else. It contains, however, a great quantity of detailed information about the origin of the reform community in Curaçao not elsewhere to be found, and bears vivid testimony to the ideals, the literary culture, and the Jewish knowledge of the founders, and altogether makes interesting reading.

D. DE SOLA POOL.

[30] Pp. 73, 82.
[31] P. 81.
[32] 97-102.
[33] P. 108.
[34] Pp. 151-6.
[35] P. 120.
[36] P. 156.

Miscellanea.

Israel Solomons, of London, kindly calls attention to the fact that the pamphlet attributed to Henry Jessy or Jesse, referred to from Mackenzie's catalogue[37] is represented by a copy in the British Museum and by another in his own possession.

* * *

Mr. Solomons owns a copy of "אמת ואמונה. Reason and Faith. . . . By one of the Sons of Abraham to his Brethren. . . Philadelphia: . . . 1791," which he calls the second edition for another, probably the first, which he saw, was issued in Jamaica, 1788. The title-page bears the legend, in a contemporary hand, "by Rabbi Joshua Hezekiah De Cordova,"[38]

* * *

It is, of course, well known that Uriah Phillips Levy entered the United States Navy in 1812, and was appointed sailing-master on October 21st of that year. Equally well known is the circumstance that he served on the brig *Argus* in 1813. The New York Public Library received in 1917 as a gift the original MS. journal of Dr. James Inderwick, surgeon on the vessel, which covers the cruise of the brig, May 11–August 21, 1813. Selections from this interesting contemporary account were printed in the *Bulletin of the New York Public Library*,[39] and among them a reference to Levy[40] is found.

* * *

Gustave Daniel Levy, of New Orleans, who is mentioned (*Publications, supra*, No. 22, p. 182) among Jewish Grand Masters of Masons, was, in fact, only a Grand Master at one time of the Grand Council of Royal and Select Masters of Louisiana, an appendant order of the York rite, and not of symbolic Freemasons.

* * *

Samuel B. H. Judah, described as "at one time the only Jewish lawyer in New York" by the annotator, is represented by a letter to Jefferson, dated New York, June 12, 1822.[41] In this he presents

[37] See *Publications, supra,* No. 25, p. 114.
[38] *Ibid.*
[39] For June, 1917; vol. xxi, p. 395 *et seq.*
[40] *Ibid.*, p. 398.
[41] "Thomas Jefferson Correspondence. Printed from the originals in the collections of William K. Bixby. With notes by Worthington Chauncey Ford," Boston, 1916, p. 272.

a copy of a poem, the first work of a young man scarce sixteen, "that has obtained some considerable celebrity in the country." On the 27th Jefferson thanked his youthful correspondent for the copy of "Odofriede," and added:

> the chill of 80 winters has so compleatly extinguished his sensibility to the beauties of poetry, so as to leave him no longer competent either to enjoy or judge them. he transfers therefore to the younger members of his family, a pleasure which their more susceptible imaginations may feel and relish. . .[42]

* * *

In the bookseller's catalogue[43] of Martinus Nijhoff, of The Hague, the following work appears to possess Jewish interest:

> 318. GENERAAL-REGLEMENT waar na alle de respectieve Burger-Officieren en Onder-Officieren der divisien in de rivieren, . . . planters en ingezeetenen dezer Colonie, . . . Directeuren . . . op de plantagien mitsg. hunne onder dienaren yder . . . by 't onstaan van alarm, 't zy wegens invasien v. d. binnenlandschen vyand . . . zig zullen hebben te gedragen. Paramaribo, A. T. Bordas, (1777). 8vo. br. *Fort rare.*

This slight, very rare work is of importance from the point of view of the topography and the divisions of the defensive forces of Surinam. It describes the *Joodsche Divisie* and Thararica, defending the Surinam River, including the different plantations therein comprised. The foregoing comment is added by the cataloguer.

* * *

Antonio Puigblanch, a Spanish writer on the Inquisition,[44] adopted the name "Natanael Jomtob" at his pseudonym.

* * *

It is undoubtedly true that commercial interests led the people of Great Britain of the eighteenth century to venture into every market, and their national flag followed into the places whither their mercantile activity brought them. Indeed, mercantile interests swayed considerably the action of many nations; in 1790, *e. g.*, the Turks turned over the management of their customs revenues to the Jews because they deemed themselves incapable of handling the business. In the case of Great Britain, moreover, the Jews had materially aided in the extension of England's South Sea trade, developed her silk and cotton industries and were the pioneers of

[42] *Ibid.*, p. 274.
[43] No. 425; March, 1917.
[44] *La Inquisición sin Máscara*, Cadiz, 1811; sixteen installments, 1811-14; English translation, "The Inquisition Unmasked," by William Walton, London, 1816. This contains a valuable introduction. See Lea, "A History of the Inquisition of Spain," New York, 1907, vol. iv, p. 405.

the commerce of the West Indies. They could help to open new marts and outlets of mercantile activity for the English in other directions, and in fact did so.

Even so famous a measure as the British law of 1753, to permit persons professing the Jewish religion to be naturalized by Parliament, rests upon an economic foundation. Although in his valuable work on "British Imperialism in the Eighteenth Century,"[45] Gerald Berkeley Hertz declared that the economic element was absent from what he calls "a frenzy of 1753,"[46] yet he found in Samson Gideon's connection with the government loans of 1745 and 1749 one of the principal causes operating to move the promoters of the "Jew bill" to insist on its enactment. It is unnecessary to recount the clamor raised by a large section of the British public against the passage of the measure through Parliament, and its enforcement after it had passed through this stage. Especially did those London merchants who wished to engross all foreign trade condemn the "Jew bill." The small non-Jewish minority that approved the new law based their satisfaction with it on its gift to Britain of fresh brains and fresh capital, both of which were esteemed to be beneficial to the commerce of the kingdom. For, the "more merchants a country possessed the richer it became." Wherever a hostile attitude toward Jews had been taken up by a nation, the prosperity of that nation had steadily and considerably declined, witness the history of Spain and Portugal, in contradistinction to that of Great Britain in this connection.[47]

* * *

Ezra Stiles' steady interest in Jewish affairs is once more proved by the information given in a new volume[48] prepared from his literary remains. Thus, on March 18, 1762, he copied[49] the judgment of the Superior Court of Newport, rendered on the eleventh day of the March term, 1762, refusing naturalization to Aaron

[45] London, 1908.

[46] "'No Jews; No Wooden Shoes.' A Frenzy of 1753," in the work above cited, p. 60 *et seq.*, especially at p. 94. See *Publications, supra,* No. 5, p. 106.

[47] See *The American Hebrew,* September 29, 1916, p. 720 *et seq.*, where some of the material of the present note was first used by me.

[48] "Extracts from the Itineraries and other Miscellanies of Ezra Stiles, D. D., LL. D. 1755-1794. With a selection from his correspondence. Edited under the authority of the Corporation of Yale University by Franklin Bowditch Dexter, Litt. D.," New Haven, 1916.

[49] *Ibid.,* pp. 52, 53.

Lopez and Isaac Elizur under the Act of 1740,[50] his comment thereon having already been printed in the first-cited number of the *Publications* mentioned in the preceding footnote. Later on, in 1764, he stated that £4,000 sterling in the treasury of the province of Massachusetts had been lent it by Mr. Jacobs of Newport.[51] Finally, in a letter, dated Yale College, May 31, 1781, to Aaron Lopez, at Leicester, he asked to have the portrait of Rabbi Karigal, taken in crayons and then in Providence or Boston, deposited in the college library. He suggested to his correspondent that the latter secure and donate it to Yale, that one King be employed to copy it in oil, and that it be provided with a suitable inscription in English and Hebrew. Stiles added:

> Let not my Request be burdensome to you: if disagreeable I shall press it with no Importunity, altho' I should think it would be honorable to your Nation as well as ornamental to this University.[52]

* * *

Dr. Israel Abrahams brought to our notice the following one-act play, the title-page of which reads:

> The Purse; or Benevolent Tar. A Musical Drama . . . As performed at the Boston Theatre, Federal Street. By J. C. Cross. (The Music by Mr. Reeve.) Boston: Printed for W. Pelham, No. 59 Cornhill. 1796.

In this is printed the cast of the original production, containing the names of two actresses, Mrs. and Miss Solomon. At a subsequent performance Miss Solomon's part was taken by a Miss Meyer.

* * *

A letter written from Chicago, March 22, 1899, by the late Rev. Dr. Bernhard Felsenthal contains the following information, of interest to students of the modern European names of Jews:

> Until the end of the eighteenth century and the beginning of the nineteenth century it was the custom among the Jews in Central Europe to use as a surname the names of their father. To illustrate. My father, who was born in 1793, signed his name until 1808, in which year the Jews in the French parts of Germany had to adopt family names, Simon Isaac, while my grandfather previous to 1808 signed Isaac Jacob, and the father of my grandfather, Jacob Isaac, etc. In 1808—if I remember right, by an edict dated March 17th of that year—the French government ordained that all French Jews must select family names. On the day set forth for that

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[50] See *Publications, supra,* No. 8, pp. 125-6; No. 6, p. 71; No. 11, p. 81; No. 13, p. 5.

[51] P. 217 of the work, edited by Dexter, just cited. Probably Joseph Jacobs is meant; see *Publications, supra,* No. 6, p. 67; No. 19, pp. 18, 19.

[52] P. 384 of Dexter's edition, *supra.*

purpose, my grandfather who was the oldest among several brothers went to the *mairie* (the mayor's office) of his town, and he chose for himself and the family the surname Felsenthal. Where the *maires* [mayors] were kindly disposed and honest, much freedom was granted to the Jewish citizens in selecting their names. But sometimes, ruffians and dishonest fellows were occupying the offices, and they either forced ugly names upon the trembling Jews, or compelled them to pay considerable sums before granting to them well-sounding names. Many anecdotes I could tell you in regard to this matter.

As it was in the then Franco-German provinces along the left shores of the Rhine River, so it was in other European countries. In some of them orders for adopting surnames were issued by the authorities somewhat prior to 1808, in others somewhat later. More exact dates I am unable to give, as here in Chicago I have no access to a historical or law library where the old European law books, etc., of that time might be found and consulted. . . . .

A. M. F.

Recorded Transactions of Asser Levy at Albany, N. Y.

[Hon. Simon W. Rosendale has extracted from the "Index to the Public Records of the County of Albany, State of New York, 1630-1894," the various entries relating to Asser Levy. This work in thirty-six folio volumes[53] was compiled and printed pursuant to chapter 429 of the laws of New York of 1893, and the acts amendatory thereof. It was issued in a limited edition.[54] The work is alphabetically arranged. F.]

[53] There are fourteen volumes of "Grantors," one of "Maps," twelve of "Grantees," six of "Mortgagors" and three of "Lis Pendens."

[54] Albany, N. Y., 1902-16. Asser Levy has been frequently referred to in the *Publications* of this Society; see, especially, No. 8, p. 9 *et seq.*, and No. 18, *passim*.

The entries relating to Asser Levy are, as follows:

Grantor.	Grantee.	Date.	Recorded. Book.	Page.	Note.
Levy, Assar	Hans Coenraetsen, Attorney for Joseph D'Acost.	1658 July 23		72	Court Minutes, 1658-1660.—Debt as due according to sentence of the Court of Resiff in Brazil.
" Asser	.....	1658 Aug. 22		853	Court Minutes, 1658-1660.—Deposition of Asser Levy that the empty barrel brought by an Indian from the Island opposite the Fort is one of three sold to Hans Vosch with brandy. (*Supra*, p. 79.)
" Asser	Jan Van Eckelen.	1658 Aug. 26		89	Court Minutes, 1658-1660.—Debt.
" Asser	Jacob Loockermans et al	1658 Sept. 10		94	Court Minutes, 1658-1660.—Case continued.
" Asser	Hendrick Gerritsen et al	1658 Sept. 10		94	Court Minutes, 1658-1660.—Case continued.
" Asser	Hendrick Gerritsen et al	1658 Oct. 1		97	Court Minutes, 1658-1660.—Case continued.
" Asser	Dirckjen Martensen et al	1658 Oct. 1		97	Court Minutes, 1658-1660.—Case continued.
" Assar	Jacob Loockermans et al	1659 July 1		144	Court Minutes, 1658-1660.—Debt.
" Assar	Jacob Teunissen et al	1659 July 1		144	Court Minutes, 1658-1660.—Debt.
" Assar	Jan Roeloffsen et al	1659 July 1		144	Court Minutes, 1658-1660.—Debt.
" Assar	Jacob Loockermans	1659 July 8		149	Court Minutes, 1658-1660.—Debt.
" Asser	Robert Sanders	1662 Sept. 7	B 2	854	Contract of Sale and Purchase.—Lot in Beverwyck on the hill, as bought at auction from Marcelis Jansen.
" Asser [55]		1671 April 13		223	Court Minutes, 1668-1672.—Attaches wheat of Cornelis Willemsen, living at Sprinckfelt (Springfield), New England, in hands of Dirck the Swede.
" Asser	Gerrit Teunissen	1677 Aug. 14		249	Court Minutes, 1675-1684.—Debt.

* * *

Grantee.	Grantor.	Date.	Recorded. Book.	Page.	Note.
Levy, Asser	Jan Michielsen	1660 July 28	B 2	208	Mortgagee.—House and Lot in Beverwyck.
" Asser	Marcelis Jansen	1661 July 15	B 2	533	House and lot, as per patent. Auction sale, Jan Verbeeck and Jochim Wesselsen Backer sureties for purchaser.
" Asser	Sophia Van Wyckersloot and husband Anthony Toinel.	1661 Aug. 1	B 2	552	Bill of Sale.—Goods to arrive from her father in Holland by the ship "*Bever.*"
" Asser	Marcelis Jansen.	1664 Sept. 15	B 2	505	House and lot in Beverwyck, on the hill, north, Gerrit Stichtenhorst; south, Claes Ripsen (Van Dam); east and west, streets, as per patent to Goossen Gerritsen (Van Schayck) of Oct. 25, 1653.

[55] Under "Attorneys" this appears:

Grantor.	Grantee.	Date.	Recorded. Book.	Page.	Note.
Levy, Asser, Attorney for Herman Van Gansevoort	.....	1671 April 13		223	Court Minutes, 1668-1672.—Attaches wheat of Cornelis Willemsen, living at Sprinckfelt (Springfield), New England, in hands of Dirck the Swede.

Selig Baumgarten.

Selig Baumgarten, the first Jewish seal engraver in America, was born in Silzheim, in the Kingdom of Hanover, Germany, in 1804. He was for a time court engraver to the blind George V. of Hanover.

With his wife and eight children Baumgarten emigrated to America in 1852, landing in Baltimore, Md., on September 12th of that year. His trip across the Atlantic was accomplished within a period of two months. He followed his trade of engraver in Baltimore, engraving a seal of Maryland which is still preserved. Later he procured government contracts from Washington, D. C., among them one for 2,800 ambassadorial and consular seals. He was a charter member of Har Sinai Temple, of Baltimore.

He died at the age of 75, being in full possession of all his faculties until the last. His son William was associated with him in the engraving business, and continued in it after his father's death. Another son, Morris, in 1917 a resident of New York and also an engraver, enlisted in the Fourth Massachusetts Cavalry on March 11, 1862, and served as its trumpeter until he was honorably discharged from the army on November 25, 1865.

Carrie Baumgarten Wallenstein.

Memorial of Solomon and Elias De Paz on the Capture of their Ship in 1728-9 off Jamaica by the Spaniards.[56]

A Memorial of Loss and Damage Sustained by Messrs: Solomon & Elias De Paz of London Merchants Owners of the Friendship (Timothy MacDaniel Master) of the Burthen of about Ninety Tons and her Cargo taken the 24th. Day of February 1728 to the Leeward of Jamaica in the Latitude of 24 Degrees North and Longitude about 86 Degrees 27 Minutes West by two Spanish Vessells the one Comanded by one Captain Lucas and the other by Antonio Custodiano and carried to the Havanah—

Elias De Paz of Fenchurch Street London Merchant Maketh Oath That on or about the first day of October in ye year of our Lord 1728 the said ship was bought and fitted out at New England by the order and for the account and Risq of him the Dept. and his brother Solomon De Paz for a voyage from thence to Barbadoes and other places as mentioned in the affidavit of the said Master affixed to a Certificate here unto annexed both Marked with the Letter A the Contents whereof he the Dept. believes to be True and saith that the writing hereunto annexed marked with the Letter B is the Original Bill of Sale for the said ship and belives the Paper writing hereunto annexed Marked C to be a true account of the Expences of the fitting

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[56] British Public Record Office, Papers of Colonial Office, 388 : 93. B. 28. COPY.

out and furnishing the said ship with provisions and Stores for the said Ship and the writings hereunto annexed Severally marked D and E are the Original Bill of Lading and Invoyce of the Cargo on board the said ship at the time of the aforesaid Capture and belives that the Paper writing hereunto annexed marked F is a True Copy of the Condemnation of the said ship and Cargo and that the Same was made from a Copy thereof sent by the said Master from Havanah to the Dep^{t}. and his brother at the Port of London and further Saith that he the Dep^{t}. and his said brother are Subjects of the Crown of Great Britain and were the real and True Owners of the said ship and her Cargo at the time of the said Capture and have thereby Sustained Loss and Damage to the amount of Two Thousand Seven Hundred and four pounds two shillings and two Pence Sterling

ELIAS DE PAZ

Die Mercury Decimo tertio die Jan^{ry} Anno Domini 1730 Juratus fecit dictus Elias de Paz super Pentateuckun (*sic*) de Veritate veraõn Memoriallis Seut attestaõnis enam Venerabili : et egregio viro Gulielmo Brampton Legum Doctore Surrogato Venerabilis et egregi viri Domini henrici Penrice Militis Legum Doctoris Suprema Curiæ Admiralitatis Angliæ Judicis præsidis sive Locum tenentis Lõime Constituti in Camæra dicti Venerabilis Viri Gulielmi Brampton infra Hospitium Dominor Advocatorum de Arccubus London in presentia mei

Edw : Greenly Notaris Public Procuratoris Generalis Serenissimi Domini Regis

(This Memorial encloses papers marked A to F and is endorsed :)
Loss of Mess^{rs}. Solomon & Elias De Paz. This is a True Copy of the Original claim delivered to me

Jo^{n}. Crookshanks Feb^{ry} 18th 1730/1 Original Reced from M^{r} Elias dePaz Jan^{ry} 22^{d}. 1730/1 B W

(Also endorsed :)

Copys of all the Papers & Documents Concerning the Taking by the Spaniards the Brigantine friendship Cap^{t} Thymothi Macdaniel belongin to Mess^{rs}. Solomon & Elias de Paz of London Merchants—

SAMUEL OPPENHEIM.

JUDITH SALZEDO PEIXOTTO.

Judith Salzedo Peixotto was probably the first Jewish public school teacher in New York. She entered the service about 1843 when the death of her father, Dr. Daniel L. M. Peixotto, made it necessary for her as the eldest of a large family to become its main support. To-day a goodly proportion of the teachers in the public schools of New York are Jews, but this was not always the case. In the decade from 1843 Judith Peixotto and her sisters, Zipporah and Sarah, were the only teachers who can positively be identified as Jewesses, although possibly Esther A. Myers, Alice W. Goodman and Sarah A. Lyon might be included.[57]

[57] "Manuals of the Board of Education of the City and County of New York," 1847-51. See, also, *supra*, p. 229.

Evening schools were first opened by the Board of Education of New York during the winter of 1847-8, and for the next two years, Miss Peixotto had charge of the Female Evening School in James Street.[58] By 1850 she had dropped her evening-school work to become one of the three principals in the James Street elementary school. Thus, she was the first Jewish principal in New York, and her efficiency was commented on by the examining inspectors.

In 1852 she married David Hays, son of Benjamin Etting Hays of Pleasantville, Westchester County, New York. She died in New York City in 1881, lamented by her husband and children.

ELFRIDA D. COWEN.

EXTRACTS FROM VARIOUS RECORDS OF THE EARLY SETTLEMENT OF THE JEWS IN THE ISLAND OF BARBADOS, W. I.[59]

* * *

EXTRACT FROM AN OLD DOCUMENT FOUND AMONGST THE PAPERS IN THE CATHEDRAL AND PARISH CHURCH OF BARBADOS, KINDLY LOANED TO ME BY MR. EDWIN FITZPATRICK, THE SEXTON.

Levy of Taxes in pounds of Muscovado Sugar on the Hebrew Nation Inhabitants in and about Bridgetown towards defraying the Charges of this

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[58] "Annual reports of the Board of Education of the City and County of New York," 1849 and 1850.

[59] This material drawn from an eight-page folio leaflet, printed for private distribution in a limited edition and now extremely rare, was presented to the Society by Samuel Oppenheim, who obtained it from the late Alfred B. Daniels, of Philadelphia. Edward S. Daniels was responsible for the original form of these notes, and they date, apparently, from about 1848. In the first item below giving the tax levy for 1680, only the names not already appearing in the lists in *Publications, supra,* No. 19, pp. 174, 175, and *ibid.,* No. 1, p. 105 *et seq.,* are given, with the amounts set opposite their names. The total tax levy, including omitted amounts, was 13,299 pounds of sugar as against 8,500 for the same year, according to one of the other lists which has different amounts opposite the same names that are given in the fuller list here abridged. In the item below, next following this list, the period covered is not stated, but through a comparison of the names in it with those in the succeeding item giving "Extracts from the Old Minute Books" and with those in the note on the Massiah family in *Publications, supra,* No. 19, we can readily determine that the membership dated between 1752 and 1848, the period covered by those "Extracts." Had there been an earlier book before the compiler, it would no doubt have been referred to. So numerous have been the references to Barbados and its Jews, now fallen away, alas! to considerably less than a *minyan* (*Publications, supra,* No. 18, pp. 144, 145), in the various *Publications* of this Society, that no lengthy explanation need be offered or required for the present notes.—F.

Parish according to an order from the gentlemen of the Vestry dated the 13th of Feby. 1679 [-1680].

Abraham Valverde	145	Jacob de Franco Valle	45
Lewis Dias	580	Moses deLeon	250
Daniel Israel	345	Isaac Henriques	65
Abraham Abudiente	230	Judith Harris	87
Abraham Nauarro	280	Judith Borres	87
Isaac deMeza	175	Rebecca Rodrigues	125
Isaac de Peiza	175	Hester Rodrigues	83
Daniel Namias	60	Rebecca Louzado	32
Daniel Bueno	65	Hester Antunes	25
Abraham deVrede	250	Hester Castanha	207
Abraham deSosa	250	Hester Pachao	172
Abraham Burgos	66	Rebecca Burgos	65
Abraham Pacheco	83	Judith Tudesca	25
Benjamin de Leon	63	Laodrel Obediente	938
Daniel Azuby	95	Aaron Baruch Louzado	850
Elias Burgos	95	Jacob Baruch Louzado	225
Isaac Israel	125	Kathleen Navarro	95
Jacob de Franco Meza	150		

I find by old Minute Books that the following parties once formed a portion of the Congregation Kaal Kadosh Nidhi Israel:

Isaac Valverde, David Valverde, Abraham Valverde, Raphael Lindo, Jacob Montefiore, Simeon Massiah, Abraham Massiah, Isaac De Peza Massiah, David, Moses, Aaron, Benjamin, Isaac, Abraham and Jacob Pinheiro, Emanuel De Peiza, Moses De Peiza, Benjamin Abarbanel, Moses Aboab, Mathew Lopez, Isaac Lindo, Jacob Lindo, Jeremiah Baruch Louzado, Abraham Pixotto, Israel Abbady, Moses Franco, David Nunes Castello, Joseph Barrow, Pinhas Nunes, Eleazer Montefiore, David Brandon, Abraham Brandon, Abraham Rodrigues Brandon, Isaac Lopez Brandon, Moses Mendes Da Costa, Isaac Hananel Da Costa, Hananel De Castra, Moses Cohen D'Azevedo, Isaac, Emanuel and Benjamin Cohen D'Azevedo, Benjamin Elkin, Mozely Isaac Elkin, Daniel Moses Lobo, Isaac Moses Lobo, Abraham Finzi, Samuel Elias Daniels, Edwd. Aaron Moses, Sampson Shannon, Joshua Levi, Walter Levi, Judah Aarons, Abraham Aarons, Israel George Levi, Joseph Hart, Hart Lyon.

EDWD. S. DANIELS.

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EXTRACTS FROM OLD MINUTE BOOKS OF THE HEBREW CONGREGATION.

17 Tisri 5513—25 September 1752. Rev. Haham (of this congregation) Mehir A. Cohen Belinfante died. The members of Kaal Kadosh placed a tombstone over his grave, and on 10 Tamus 5534—19 June 1774, Rev. Haham Raphael Haim Isaac Carrigal was elected in his place; he died on 12 Iyar 5537—5 May 1777; a tombstone was also placed over his grave by the Congregation.

13 Adar 5531—27 February 1771. Mr. Isaac De Peza presented the Synagogue with 6 Silver Purim Cups.

24 Sivan 5531—6 June 1771. Mr. Isaac Lindo presented Synagogue with a Sepher Torah.

[Same date:] Mr. Isaac Pinheiro [presented Synagogue with a Sepher Torah.]

27 July 1772. Hazan Daniel Baruch Louzado, discharged.

16 August 1772. Hazan Israel Abbady, appointed. Time of appointment expired in 1794, Mr. David Sarfaty De Piné was then appointed Hazan. He died 18 Nisan 5557—14 April 1797.

3 November 1772. Letter from St. Eustatius asking assistance towards rebuilding their Synagogue. Aid granted.

6 March 1774. Letter received from Haham Moses Cohen D'Azevedo of the Portuguese Congregation in London asking for help for co-religionists in Jerusalem. A vote for £20 granted.

November 1791. £20 sent to Mr. Jacobs, agent for K. K. N. I. in London, for the distressed Jews in Tetuan, [Morocco].

24 Adar 5552—18 March 1792. In this year there were 17 pensioners: the amount distributed to them monthly was £18.15.0.; there were 147 members paying finta amounting to £116.15.0. per annum.

June 1792. Assistance asked for, and £25 granted towards the building of a Synagogue in Charleston, U. S. America.

27 Sivan 5556—3 July 1796. A best silk Talith ordered from London to be embroidered in gold and have the initials I. A. in the corners to be presented to Mr. Abbady for services rendered the Kaal.

1798. £1152 subscribed by the congregation to be sent to London to assist His Majesty's Government in carrying on the war.

March 1799. Hazan Emanuel Nunes Carvalho was sent us by the Mahamad of London, discharged 30 Menehem 5565. Reinstated protem. Again discharged in 5568—1808 and afterwards went to and received an appointment in North America.

17 Nisan 5559—22 April 1799. A vote of thanks by K. K. N. I. presented to Daniel Da Costa, Isaac De Peza Massiah and Abraham Brandon for the pious and religious manner they served the Congregation as Hazanim alternately during the course of 2 years, gratis.

7 April 1801. Moses Belasco was sent out by the London Mahamad as Shohet and Bodek.

21 August 1801. £25 sent to the Parnassim of London to assist "our distressed brethren in Tiberia."

18 Nisan 5562. Mr. Attorney General Beckles granted £25 and Mr. Chase £15 "as a compliment for the active part they took in getting the Act repealed which has been so extremely oppressive to our community for many years."

January 1809. Mr. Abendana appointed by the Mahamad of Portuguese Congregation, London, and sent to Barbados as Hazan; he remained in office till September 1812 when he was dismissed.

22 January 1809. A vote of thanks from Congregation to Messrs. A, Luria, Perez and M. Da Costa for serving as Hazanim pending the arrival of Mr. Abendana.

2 October 1815. Remittance: £25 sent to London for the relief of our brethren in the Holy Land.

22 December 1817. The Synagogue was placed in mourning on account of the death of Princess Charlotte.[60]

7 March 1819. Aid asked and $500 granted to Jews of Philadelphia towards building a Synagogue.

28 October 1819. Moses H. Julian was sent by the Mahamad of the Portuguese Synagogue in London as Hazan. Moses Judah Mudahai, Isaac N. Martinez and Abraham Jessurun also applied for the position, but the Mahamad of London selected Mr. Julian.

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[60] Since this date the Synagogue has been frequently put in mourning on the death of various members of the royal family. "1901, Jany 22nd News received of the demise of her most gracious Majesty Queen Victoria. The synagogue was draped in mourning and remained so draped at this date, 5 March 1901."

April 1820. A vote of thanks was passed to Mr. Abraham Israel Keys and £300 to purchase a piece of plate for doing duties of Hazan for the past 7 years. Also a vote of thanks to Mr. Moses Belasco and £50 to purchase a piece of plate for assisting Mr. Keys during the past 7 years.

27 Tebet 5581—27 December 1820. Hazan M. H. Julien died and a grant of £200 was made to his widow to pay any debts he may have contracted; and a further sum of £50 to pay her expenses to London, and the warden was authorized to procure a tombstone to be placed over the late minister's grave. Messrs. A. I. Keys and M. Belasco acted as Hazanim.

4 Kislev 5585—24 November 1824. Hazan Keys resigned, having accepted the post of Hazan in Philadelphia. Granted by the congregation for past services £100 to purchase a piece of plate.

26 November 1824. Moses Belasco elected as Hazan.

26 November 1824. Mr. Simon Barrow, of London, presented to the Kaal a Sepher Torah formerly the property of his uncle Joseph Barrow.

1 December 1824. Mr. Isaac De Peza Massiah who acted so frequently as Hazan to the Kaal in time of need died 10 Kislev 5585 aged 61 years. A tombstone was placed over his grave by the Kaal.

* * *

The following statement was shown to prove the difference of income of the Synagogue before and after the hurricane of 1831:

INCOME OF K. K. N. I. BEFORE HURRICANE, 11 AUGUST 1831.

£4,000	Consols 3% £120 Sterling @ 50%	£180. 0. 0
£1,000	Cycs in the hands of A. R. Brandon @ 6%	60. 0. 0
	Rents of a House and Land	50. 0. 0
	Fintos	97.10 0
		£387.10. 0

INCOME SINCE HURRICANE.

£2,500	Consols 3% £75 Sterling @ 50%	£112.10. 0
	Rent of a House and Lands	50. 0. 0
	Fintos	97.10. 0
		£387.10. 0

DECREASE OF CAPITAL AND INCOME.

£1,500	Consols 3% Sterling @ 50% [61]	£ 67.10. 0
£1,000	Cycs A. R. Brandon forever lost	60. 0. 0
	Annual loss	£127.10. 0

PRESENT EXPENDITURE.

Pensioners	£ 77.10. 0
Reader	220. 0. 0
Samas	105. 0. 0
Shohet	60. 0. 0
Cabanas	6. 5. 0
	£468.15. 0

Exclusive of sundry small sums for Passover, &c., &c., besides oil, candles, &c., &c., from Europe.

[61] This £1,500 was withdrawn from the above £4,000 in order to assist towards the rebuilding of the Synagogue.

PROPOSED REFORM IN EXPENDITURE.

Pensioners	£ 77.10. 0	
Reader	150. 0. 0	Hazan Belasco
Samas	70. 0. 0	Demeza
Shohet	50. 0. 0	Jacobs
	£347.10. 0	Total reduction annually £121. 5. 0.

* * *

7 Elul 5592—September 1832. At a meeting of the Vestry, present: Hart Lyon, Warden; Moses Cohen D'Azevedo, Meyer Abrahams, Mozely Elkin, Sampson Shannon, Daniel Pas, Isaac Baeza, David Moses Cordozo Baeza, Isaac Lobo, Daniel Moses Lobo, Menesah Cohen D'Azevedo, Jacob George Levi, Samuel Elias Daniels, Abraham Finzi, Levi Eleazer, Joseph Hart.

29 March 1833. The present Synagogue Kaal Kadosh Nidhi Israel was consecrated. Invited guests to the consecration: President, &c.; Governor's Aides; Sir C. F. Smith (Commandant); the Lord Bishop, the Venerable Archdeacon, Rev. W. Garnett; Rev. W. M. Harte, Chaplain to the Bishop; Hon. Nathaniel Forte, Speaker of the House of Assembly; Hon. W. Eversley, M. C. P.; Hon. W. Oxley, M. C. P.; Hon. John A. Beckles, Chief Judge; Hon. Attorney General, H. E. Sharpe; Hon. Solicitor General, Robert Boucher Clarke; B. C. Howell, Colonial Treasurer; W. Husbands, Remembrancer; Saml. Lefevre, Collector; M. W. Cromartie, Comptroller of Customs; John Mayers, King's Solicitor; Chief Baron, Hon. Wm. Gill; Drs. Eversly and Clarke; Benjamin Walrond, Provost Marshall; Hon. R. P. Pile, M. C. P.; M. Coulthurst, Advocate General; Rev. J. H. Pinder, Chaplain to the Bishop; J. C. Eversly, Registrar of the Diocese; the Architects, &c., &c.

10 Hesvan 5595—12 November 1834. Hazan Moses Belasco died and from that date until their departure from this island to settle in Philadelphia, Messrs. Moses Cohen D'Azevedo, Samuel Elias Daniels and Edward Aaron Moses acted alternately and gratuitously as Hazanim.

5595—17 April 1835. Mr. Abraham Lealtad presented to the Kaal a Sepher Torah formerly the property of his father, Isaac Lealtad.

5 Veadar 5597—12 March 1837. Mr. Isaac Abisdid appointed Acting Hazan, but at a meeting held 3 Elul 5597—3 September 1837, it was decided that, as he did not give satisfaction, Messrs. M. D'Azevedo, S. E. Daniels and E. A. Moses be requested to kindly continue to render their valued services to the Kaal as on former occasions.

21 August 1837. Mr. Hart Lyon presented to the Kaal a Sepher Torah.

17 Ab 5598—8 August 1838. "The Secretary here read a letter from Mr. J. W. Lyon, Edinburgh, dated 30 May 1838 and a circular from Joshua Sararus dated Charleston, 8 May 1838, applying for assistance to rebuild their several Snogos; the former was replied to 16 July regretting the incapability of this Snogo to assist and the latter will be replied to by an early opportunity."

3 August 5600—1840. At a meeting held this day it was determined to remit Mr. Sampson Samuel, Secretary to the Board of Deputies of the British Jews in London, £50 towards the relief of our suffering brethren in Damascus and Rhodes.[62]

6th August 1840. £50 was directed to be handed to Baron Lionel De Rothschild, Treasurer of Deputies of British Jews, to be appropriated in aid of our foreign brethren now suffering from a despotic government.

* * *

Bridge Town Committee Room, 3 Tebet 5601—25 January 1841. It having been suggested by the Committee appointed to coöperate with the

[62] An island of the Eastern Mediterranean.

London Committee for the relief of the suffering Jews in the east that most probably a valuable testimonial would be voted by the latter to be presented to Sir Moses Montefiore expressive of the gratitude of the Congregation for the alacrity evinced by him in undertaking, and the ability exhibited in executing his most arduous commission, it is deemed advisable that this ancient and respectable Kaal should be prepared to meet them in the execution of such a desirable object. They therefore propose that the sum of £10 sterling be placed at the disposal of the London Committee for the purpose, and hope that the contributing members will by their unanimous vote empower them to carry the same into effect.

By order of the Chairman,

SAMUEL E. DANIELS,
Honorary Secretary.

* * *

11 September 1848. At this date there were 71 Israelites in Barbados 38 of whom were seatholders. Mr. Edward A. Moses who a few years back died in Philadelphia, was the then Parnass or Warden. There was a Sunday School here entitled Shangaré Lamud. The teachers: Mrs. Judith wife of Abraham Finzi, President; Mrs. Sophia wife of Samuel Elias Daniels; Mrs. Sarah wife of Daniel Moses Lobo; Miss Clara Carvalho and Miss Belle Elkin. The last-named of these ladies died in London, and all the others in Philadelphia, Pa.

* * *

EXTRACTS FROM SCHOMBURGK'S "HISTORY OF BARBADOS."

[This work was published in 1847. Part of these extracts was used by J. H. Stark in his "History of Barbados," *circa* 1882, quoted in *Publications, supra,* No. 12, pp. 167, 168.]

According to the best information that can be obtained it appears that the earliest settlement of the Jews in this Island dates from about 1628. A tomb is at present standing in one of the burial grounds bearing date 1658. Although they are occasionally subjected to persecution and oppression, the policy they exhibited in keeping on good terms with the powers that were, caused their civil rights to be extended in 1680, and their testimony which had long been rejected in the courts of law, was from that time admitted in all civil suits (though not in other cases) upon an oath taken upon the five books of Moses, according to the tenets of their religion. The Colonial Act of William IV, Cap. 10, which passed the Legislature on the 25th March 1831, removed any restraint or disabilities under which persons professing the Hebrew religion then laboured, and subjected them like other white persons to fines and penalties for the non-performance of duties. At one period the congregation consisted of a very large number, but from deaths, and many of the European families retiring to England, the number has been reduced. The circumstance of their having as many as five burial grounds, three of which are completely filled, proves that this synagogue has been considerable.—Their synagogue was so seriously injured by the hurricane in 1831, that it was found necessary to erect a new edifice, which was consecrated on the 29 March 1833. It is considered to be one of the handsomest and most substantial buildings of its kind in the West Indies. Its size is 50 feet long by 40 feet wide and it occupies an area of 2000 square feet; its cost amounted to $14,000, which was met by the funds of the Community without extraneous assistance from any quarter. The name of the congregation is Kaai Kadosh Nidhé Israel. The funds at present do not allow the payment of a salary to a reader, and the services are therefore performed by three members alternately. The congregation consists of a Warden, a killer and examiner of meats, an officer who has the care of the Synagogue and a total number of 70 individuals, half of

whom are natives of the Island. The expenditure is met by seat rents and voluntary contributions. There is a public Sabbath school entitled Shangaré Lemud or the Gate of Learning, which between the hours of 10 and 1 o'clock is attended by 5 females and 10 males.

* * *

(MEMO. BY E. S. DANIELS.)

1. Mr. Moses Cohen D'Azevedo mentioned [in the membership list above] was a grandson of Haham D'Azevedo of the Portuguese and Spanish Jews in London. He with his wife and daughters settled in Philadelphia in 1848 and died there, with the exception of his youngest daughter Deborah who died in Boston 1896. Messrs. Daniel Moses Lobo, Edward Aaron Moses, and Abraham Finzi, with their families, also settled in Philadelphia during 1848-9 and all died there. Mr. Isaac Lopez Brandon died in New York. The mother of the writer with his aunt Mrs. Judith Finzi are buried at the Mount Sinai Cemetery.

2. The Mr. Benjamin Elkin mentioned [in the same list] was one of the chief founders of the Reformed Congregation of British Jews in London.

3. Some years ago (1797) when William IV of England, then Prince William Henry, in command of one of His Majesty's Ships of War ("The Jolly Sailor Prince," he was called), was at Barbados, he visited the Synagogue and was presented by the Congregation with an address and a sword.

* * *

16 December 1873. Petition presented to House of Assembly to be relieved from payment of taxes of £20 to £25 annually imposed by the Vestry on a house belonging to the congregation, the small rental from which was used for the upkeep of the synagogue and for the help of poor Jews occasionally arriving. For over two centuries the Jews of Barbados had never applied for pecuniary aid from the country nor been a burden on it. The Vestry, though asked, had refused to remit the tax. The petition, which is printed in the *Official Gazette* for December 18, 1873, was granted by an act passed February 18, 1874 which later received the assent of the Queen.

* * *

9th March 1883. Assistance asked for by the Jamaica Jews towards the building of a new synagogue, the late one having been destroyed by fire. £10 forwarded in reply to Mr. Martin the Treasurer of the Building Fund Committee.

* * *

1899 June. To-day the Jews here may be counted, including women and children, to number no more than 17 or 18. The synagogue is yet kept in perfect ordeer and is opened regularly for services on Sabbaths and Holydays. Frequently, however, the only attendant on Saturdays is Mr. E. S. Daniels where he may be found from about half past eight quietly sitting in a corner of the building reading his prayers.

An Unpublished Letter of Aron Ezekiel Hart.[63]

While examining some MSS. at the Royal Canadian Archives, Ottawa, I found an unpublished letter of Aron Ezekiel Hart to

[63] See *Publications, supra,* No. 23, p. 43 *et seq.*

John Neilson, of Quebec, editor of the *Quebec Gazette*, reading as follows:

THREE RIVERS, 18th September, 1843.

My dear Sir:

It is with deep regret that I have to communicate to you the sad intelligence of the death of my Father, Ezekiel Hart, Esquire, seignor of Blaconcourt, aged seventy-three, who departed his life on Saturday last [16th]. I take the liberty of mentioning this to you, as I believe you are one of my Father's dearest friends, and I may judge from the many times he has mentioned your name as of his earliest acquaintances in Canada.

You can hardly fail to remember the prominent part he took in the affairs of the Province in the years 1808-9 which led to his expulsion from the Provincial Legislature, Sir James H. Craig, then Governor, refusing to sign a new Writ for the election of another member for this town and giving as one of the reasons for the dissolution of Parliament at that period, "that the members of the Assembly had attempted to disenfranchise not the least respected portion of His Majesty's subjects in this Province."

My father in 1808 was elected against his wish and by the almost unanimous suffrages of the electors of Three Rivers, who insisted, the day previous, that he should be present there, not withstanding that there were three or four candidates at that election and this alone by the Catholic community. On the dissolution of Parliament he was again returned in 1809 notwithstanding his previous expulsion.

I can assure you that the esteem in which he was then held by the inhabitants of Three Rivers, he has carried with him to the grave, and that there is not a person in the community who cannot but bear witness to the high and honorable character, that he has ever maintained.

He was one of the surviving children of the late Aron Hart who came to this country with General Haldimand, immediately after the conquest in the year 1775. He was through out life an ardent admirer of the principles on which your paper has been conducted, and I think you will find him on your list, to be the oldest or if not one of the oldest subscribers in Canada.

You will please excuse the hurried manner in which I have put these facts to paper. Indeed from the deep affliction in which his surviving family of seven are placed, you can hardly expect that my feelings will allow me to pay a more lengthy tribute to his memory.

I remain, my dear Sir,
with greatest Esteem,
yours very faithfully,
ARON EZEKIEL HART.

To the Hon. John Neilson, Quebec.

Neilson's answer I could not find.

JULIUS J. PRICE.

TWO LETTERS OF ARON HART OF THREE RIVERS, 1775 AND 1776.[64]

THREE RIVERS 27th Decr. 1775

Col[l] Livingston

Dr. Sir.

I hope you Got down Safe in good health hear with you have the Acct of the Goods i deliverd on acct of your Regt Amts to £121.14.10 Lawfull

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[64] From British Museum Additional MSS. 21731, fols. 250 and 253.

Some of your Capᵗˢ Calld on me for some necesserys as i had no order frome you i did not Give them any

I Shall be Glade to hear frome you and Am

Sir
your Most Humˡ. Ser
AARON HART

Charge of Mending your Guns
Boleal £150.15. 0
Sulard ..... 174.15.
Bullwin ..... 20. 2.

345.12 franch Livers
your Capᵗ Capᵗ Gave them Each an Order for the Payment

* * *

THREE RIVERS 4ᵗʰ Janʸ 1776

Dʳ. Sir

I was favourd with yours Pʳ Capᵗ Melker am Glad to find you arrived in good health Before Quebec and Hope ere this Comes to hand you are in Safe Quarters within Side the walls

Should it Be as i Surmise i will take the leberty to Mention a tryfling Curcumstance there is Eleven Packages of mine in the hands of Edword Harrison My Property which he Stored for me untill an oppertunity offers of Conveying them to me as i had accasion to write to the Genrˡ relative to some Stores i just Mentioned it to him and Hope Should it be in your Power to Serve me with regard to the Security of my Goods so that i shall not Be a Sufferer you will much oblidge me

I wish you a happy new year and i Am Sir

your Most obedᵗ Ser
AARON HART

Marke of my Goods
A/H frome Nº 1 to 11
To
Colˡ James Livingston
Before
Quebec
Pʳ favour of
Mʳ. N Bayard

SAMUEL OPPENHEIM.

BISMARCK AND BEACONSFIELD IN THEIR RELATIONS TO THE JEWS.

In "Jewish Disabilities in the Balkan States,"[65] a number of authorities bearing on Bismarck's relations to the Jews were cited. These may be profitably augmented by a reference to Lucien Wolf's interesting and comprehensive paper written immediately after Bismarck's death, and published in *The Jewish Chronicle*, August 5, 1898, also to a paper by Dr. Adolph Kohut, *Neue Bismarck Erinnerungen*, which appeared in the *Allgemeine*

[65] *Publications, supra*, No. 24, p. 56.

Zeitung des Judentums,[66] and dealt particularly with Bismarck's relations to Bleichroeder, Abraham Oppenheim, and the Rothschilds. Dr. Kohut, too, published an interesting account of an interview he had with Lord Beaconsfield, particularly with respect to Jewish matters, during the Congress of Berlin, in the *Allgemeine Zeitung des Judentums*.[67] In the course of this, the distinguished British premier said:

> You see we are now engaged in bringing the Roumanian Jewish question by way of the paths of humanity and freedom from prejudice to a harmonious conclusion.[68]

MAX J. KOHLER.

FURTHER ADDITIONS TO "CALENDAR OF AMERICAN JEWISH CASES."[69]

1917—New York. Matter of Henry Spondre, deceased (Surrogate's Court, Fowler, *S.*), 98 Miscellaneous, 524; s. c., 162 New York Supplement, 943.

On an application for letters of administration of the goods of a decedent, the court should not go behind a marriage long established by cohabitation and reputation, unless this duty is rendered imperative in the

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[66] Vol. lxvii, pp. 342-3 (1903). See also, Dr. Adolph Kohut, *Bismarcks Stellung zum Judentum und zu den Juden*, in *ibid.*, vol. lxxix, pp. 150-1. 160-3, 189, 190, 202, 203 (1915), and Kohut's personal reminiscences of Bismarck, in *idem.*, pp. 583, 584, 597-9.

[67] Vol. lxviii, p. 629 (1904).

[68] This may be added to the partial list of references to Beaconsfield given in *Publications, supra*, No. 24, p. 57.

[69] See *Publications, supra*, No. 12, p. 87 *et seq.*; No. 13, p. 137 *et seq.*; No. 19, p. 167 *et seq.*; No. 25, p. 134 *et seq.* For Rossman *v.* Congregation Ansche Chesed (unreported), see *The Hebrew Leader*, April 13, 1866, pp. 4, 5. These memoranda are intended to supplement one another. For an interesting case, involving the disqualification of a witness in a criminal trial in the Federal courts on the ground of his religious belief, see United States *v.* Miller, 236 Federal Reporter, 798 (1916); also Cohen *v.* United States, 214 *ibid.*, 23 (1914). On the subject of charitable uses and what bequests for religious purposes will be upheld by English and American courts, attention may be directed to a paper, "Charity for the Heterodox," by Prof. Austin W. Scott, of Harvard University, published in *Case and Comment*, May, 1917. Louis Edward Levinthal, in "The American Jew in Court," *The American Jewish Chronicle*, June 1, 1917, vol. iii, p. 107 *et seq.*, discusses the following cases: Moss *v.* Sanger, 75 Texas, 321 (1889); Garrity *v.* Rankin, 55 Southwestern (Texas, Civil Appeals), 367 (1900); Freeman *v.* Dempsey, 41 Illinois Appellate Reports, 545 (1891); Cluett *v.* Rosenthal, 100 Michigan, 193 (1894); Hyman *v.* Kirt, 153 *ibid.*, 113 (1908); Solomon *v.* Steere, 151 Northwestern (Michigan), 716 (1915); and Day *v.* Ferguson, 75 Arkansas, 298 (1905). These involved anti-Semitic bias and expressions on the part of witnesses and counsel; many more such may be found in the daily newspaper press. For a case holding that a *shatchen* cannot collect his fee, in the absence of a special agreement therefor, see Kramer *v.* Alisky (Kansas City, Mo., 1917), *The American Israelite*, November 29, 1917, p. 5.

exercise of its regular jurisdiction. Here a rabbinical divorce, granted in Roumania and there recognized as valid, will be upheld, and, following the English decision of Ganer *v.* Lady Lanesborough, Peake's Nisi Prius Cases, 17 (1790), such may be proved by parol evidence.

1917—Kentucky. Cohen *v.* Webb (Court of Appeals), 192 Southwestern, 828.

By §1321 of the Statutes of Kentucky work is prohibited on Sunday. But persons who are members of a religious society observing as a Sabbath any other day of week than Sunday are exempted from its operation. Held, that this law also exempts from its operation those Jews regularly observing the Jewish Sabbath, although this begins at sundown on Friday night and ends at sundown on Saturday night, and thus does not conform to a complete statutory day according to the Christian calendar. In this case the application for an injunction and a writ of prohibition against an inferior police judge was denied, but the latter directed to govern himself by the foregoing declaration of the law. See matter of the First Independent Israel Free Aid Society, *New York Law Journal,* April 27, 1918, p. 330 (Supreme Court, Kings County, Aspinall, *J.*).

1917—New York. People *ex rel.* Mulderig *v.* Kaplan, *New York Law Journal,* March 7, 1917, p. 1995 (City Magistrate's Court, First Division, Breen, *C. M.*).

A theatrical performance given in the Neighborhood Playhouse, conducted by the Henry Street Settlement, on Sunday, January 21, 1917, did not interrupt the repose and religious liberty of the community in any way. Hence a prosecution of the treasurer of the settlement for Sabbath-breaking should be dismissed.[70] See also People *v.* Kahn, *ibid.,* March 6, 1918, p. 1793 *(idem.,* Grossman, *C. M.).*

1917—New York. Matter of Incorporation of Ostrover Ladies' Society, *New York Law Journal,* July 30, 1917, p. 1439 (Supreme Court, New York County, Ordway, *J.*).

An association to assist financially and morally the education of the children of its members in orthodox Jewish precepts cannot be incorporated under the membership corporations law. For its corporate existence to begin the consent of the Regents of the University of the State of New York is an indispensable prerequisite. See, also, *In re* Congregation Austrian Gemileth (*sic*) Chasodim, Inc., *New York Law Journal,* November 8, 1917, p. 449, (Supreme Court, Kings County, Benedict, *J.*).

A. M. F.

Supplemental Notes on the Jacob Franks Genealogy.

According to the midwives' affidavit[71] the first name of Jacob Franks' father was Abraham, while according to other original sources, all in Hebrew, it was Naphtaly Hirsch (Hart), usually

[70] See Cyrus Simmons, "Should Sunday be a Holy Day or a Holiday?" in *The Docket,* February, 1917, vol. ii, p. 1727 *et seq.* Ch. 328 of Acts of Massachusetts of 1911 permits the sale of *kosher* meat on Sunday between 6 and 10 A. M. by one who observes Saturday as the Sabbath or Lord's Day and keeps his business closed during that day until 6 P. M.

[71] *Publications, supra,* No. 25, pp. 75-77.

abbreviated to Naphtaly. That these two names represented different persons may possibly be claimed, but on the facts, as we now have them, the best and probably true explanation for the variation is that the father possessed both names, Naphtaly (or Naphtaly Hirsch) and Abraham, the first given soon after birth and the other later, and that he was called Abraham secularly and Naphtaly in synagogue. Why one name instead of the other was used secularly, or whether or not the suggested reasons for such secular use are convincing, is not important. We know of only one Jacob Franks in New York in the early part of the eighteenth century. He it was who recorded the affidavit in 1710 proving that he was the son of Abraham and Abigail Franks, and he it was who is refered to in the published synagogue minutes and in unpublished records as Jacob *bar* Naphtaly. The possession of a double first name and the use of only one was not unusual. Two contemporary cases may be cited. Jacob Franks' father-in-law's name appears in all secular records and in the synagogue minutes as Moses Levy, yet on his tombstone we find it given also as Raphael Moses Levy.[72] The merchant, whose name appears in all secular records as Lewis Gomez and in the synagogue minutes and on his tombstone as Moses Gomez, is described by his great-grandson, in a biographical sketch based on family and Bible records, as Lewis Moses Gomez.[73]

The variation in the mother's first name may be likewise explained. In the affidavit it is given as Abigail, while in the Hebrew, as only recently discovered, it appears as Sarah Phila. The discovery of her first name in the Hebrew is due to Israel Solomons, of London, who, in a letter to the writer, stated that he found it in the old Portuguese cemetery already referred to,[74] on a tombstone having two inscriptions, one in Hebrew and the other in English. This stone, he added, he caused to be unearthed and cleaned and the inscriptions on it photographed. The lettering, which was all on one side, came out clearly. A print was forwarder to the writer by whom it has been presented to the American Jewish Historical Society. The English inscription runs along the sides and over the top of the Hebrew which occupies twelve lines. The size of the English letters, all in capitals, is, judging from the print, one-half that of the Hebrew; the space at

[72] *Publications, supra,* No. 18, p. 97, and Index Volume.
[73] *Ibid.,* No. 11, p. 156; No. 17, p. 197; No. 18, p. 87, and Index Volume.
[74] *Ibid.,* No. 25, p. 76.

each side of the Hebrew, for the English inscription, appears to be one and one-half times the height of the Hebrew letters; and a large space at the top, below the English, is occupied by the Hebrew abbreviation, in enlarged letters, for "Here lies." The English, as cut on the stone and reproduced here, reads:

HERE LYETH THE BODY OF ABIGAL FRANKS. WIFE OF ABRAHAM FRANKS. WHO DEPARTED THIS LIFE THE 24 OF FEBRUARY ANNO 5455. AGED 33 YEARS.

The Hebrew, translated with scholarly assistance, states:

Here lies Sarah, the lady of the house, the mistress, chaste, wise and prudent, the esteemed woman, pleasing in her deeds, a woman of worth—she was "like the morning gazelle"—Mrs. Sarah Phila, daughter of David Bloch (the memory of the righteous be for a blessing), wife of the eminent and wealthy Mr. Naphtaly Hirsch Franks (the memory of the righteous be for a blessing). And Sarah died in the city of London on Tuesday night the 24th day of Shebat, 5455. May her soul be bound in the bundle of Eternal life.

This is followed by a representation of a skull and cross-bones, with oval ornamentation, filling the entire space below, with what seems to be a scroll embellishment, partly worn away, at the sides and bottom, in continuation of the English inscription to its beginning, but not containing any lettering. The year in the common era does not appear anywhere on the stone. The month of February, in the English, was apparently given by the composer as the approximate equivalent for the Hebrew Shebat at this time (24 Shebat 5455 being then 9 February 1695 and we cannot assume an error in the English dating), the day of the month and the year being retained as in the original. The stone was no doubt set up some time after the burial and no investigation made as to the exact equivalent in the common era for the Hebrew date; hence probably the curious combination of the Hebrew and English dates in the English inscription. The stone, oblong in form, was over only one grave and not of a size for two. All these and other details are given because of the suggestion, privately made, of a double interment here and that Naphtaly was not also named Abraham. Mr. Solomons was of opinion that the Hebrew inscription contains the fuller record for one already furnished by him from the Bevis Marks synagogue burial register as "Sarah Frank[s] asquenazi 24 Sebath 5456," [75] the year, he concludes, having been wrongly entered. The book, he stated, is not an original but was made up from the stones. This stone was no doubt the one

[75] *Ibid.*, p. 79.

seen and quoted from by Lysons[76] who cited the year as 1695 which, though not on the stone, was probably given to him for his account through a conversion from the Hebrew.

Confirming the parents' names as they appear in the midwives' affidavit, this stone shows that the name by which Jacob Franks' mother was known in English differed from that by which she was designated in the Hebrew, and also, through the appearance of her husband's name on it, in both languages, confirms the suggestion heretofore and here made as to the identity of Abraham Franks with Naphtaly or Naphtaly Hirsch Franks. The tombstone of the husband, described by either name, has not yet been found.

Any theory of a double interment here is negatived by the following considerations, among others, in addition to what has already been submitted, viz.: that the burial of more than one adult person in a single grave is not permitted among orthodox Jews, except in cases of great emergency which, so far as we know, did not exist here; that a married woman of the fine character described in the Hebrew would hardly have been buried with another married woman prominent, according to the affidavit, as the wife of a London Jewish broker of that time; that the dates of the death are the same for both names, the February in the English being rendered as the equivalent of the Shebat of the Hebrew; that if two people had been buried in this grave that fact would have been indicated by separate tombstones, by inscriptions for both in the Hebrew or in the English, by some distinctive marking on the stone, or in some other way, none of which appears.

There being no question that only one person lay beneath the stone, it necessarily follows that the varying names on it represent only one man and wife, and therefore that Jacob Franks' father was known both as Naphtaly Hirsch (usually abbreviated to Naphtaly) and as Abraham, and his mother both as Sarah Phila and as Abigail.

It is suggested that under a custom of the Jews the name Abraham may have been added on the occasion of a serious illness. This could have been done after marriage and birth of children as well as before, and accounts how Naphtaly who died, according to the stone, before his wife, had, despite another custom, children named Abraham and Abigail, as will appear, Abigail's name, like her mother's being probably similarly derived. The name Hirsch came from the simile of the patriarch Jacob for his son Naphtaly—

[76] "Environments of London," vol. iii, p. 466; *Publications, supra,* No. 25, p. 75.

"a hind" let loose, whence probably the reference on the stone to the wife as "a gazelle." [77]

A further suggestion may be made. Abraham may have been the first name of Naphtaly Hart Franks' father. Aaron is given only tentatively by Mr. Solomons in his genealogical table and notes. If Abraham, the son could well have been known as Naphtaly of Abraham, whence Naphtaly Abraham. Similar instances of the father's first name being added to the son's are to be found in the Franks family near this period. Thus Naphtaly Hart's son Isaac had a son named Henry Isaac, and Jacob's son Naphtaly had a son named Jacob Henry, the Henry in these two cases being the English adaptation of Naphtaly. Mr. Solomons' notes suggested Jacob's Naphtaly as probably the son of Jacob's brother Abraham, but the affidavit of 1735 and other data show him to have been the son of Jacob.

Mr. Solomons likewise advised the writer that he has recently discovered in Somerset House [78] the will of Jacob Franks' brother Moses Franks, of the Parish of St. Botolph, Aldgate, dated July 26, 1716, and that that will mentions the following relatives, a number of whom have not heretofore been named in accounts of this family:

> Brothers Abraham, Isaac, Jacob, Aaron and David; uncle Benjamin Franks; aunt Frances Benedictus and aunt Hendle; sister Abigail Salomons; nieces Filagh, Anne, Hester, Sarah and Miryam, daughters of Abigail Salomons.

He was of opinion that the date of death in the reference to "Moses Franks, 1710," in Lysons' work,[79] should have been 1716 and was probably a scrivener's or printer's error.

[77] Genesis xlix, 21; Psalms xxii, heading. In view of the identity here demonstrated, the reference given by Hyamson, as noted in *Publications, supra,* No. 25, p. 85, to the year 1697 as the date when the twelve Jewish brokers of London named by him (Abraham Ffrancke among them) were appointed, pursuant to new rules of the Court of Aldermen of that year, becomes open to the question whether his list is not simply a restatement of the names of the Jewish brokers, taken from the last published list, compiled possibly early in 1695 or before, or whether the order of the Court of Aldermen did not simply confirm previous appointees whose names were noted in their records, including among them those of whose death they had not been informed. Some of those named in Hyamson's list are also given by him as appointees under much earlier dates than 1697. This question assumes that Abraham Ffrancke, as was suggested, was identical with Abraham Franks, the broker of London, named as such in the affidavit recorded in 1710 by his son Jacob *bar* Naphtaly. If not identical, this question does not arise. See also, "Calendar of [British] State Papers, Domestic," 1694-5, p. 505; June 25, 1695, "Passes for Abraham Franks and Joseph Garmon, two Jews, to go to Harwich and Holland." This Abraham is unidentified.

[78] Rubric P. C. C., 162 Fox.

[79] *Supra,* p. 482, *Publications, supra,* No. 25, p. 77.

The brothers Abraham, Isaac and Aaron, mentioned in this will, are undoubtedly the Abraham, Isaac and Aaron Franks of London named [80] as contributors toward the fund for part of the interior of the new synagogue in New York in 1730. The brother David, not heretofore noted, the writer found mentioned in a bill of exchange, written in Dutch and dated Surinam, 1715, drawn to the order of Rodrigo Pacheco, in which he is referred to in the phrase, "value received from David Franks here," indicating a residence in or visit to Surinam; and also in another bill, written in Portuguese and dated Surinam, 1714, drawn to his order as David Francks and endorsed by him and Jacob Franks.[81] The uncle Benjamin Franks was probably the ancestor of Naphtaly Benjamin Franks *alias* Henry Benjamin Franks and of Moses Benjamin Franks.[82] The latter appears to have been the son of an Isaac Franks, not of this will.[83]

The will of the brother Isaac Franks, dated October 2, 1734, and proved November 11, 1736, is to be found in the same repository,[84] as is also the will of the brother Aaron, dated September 2, 1777, and proved October 1, 1777.[85] Both of these were used for the tentative genealogy heretofore printed.[86] The wills of the brothers David and Abraham have not yet been found nor that of their father, whether described as Abraham or as Naphtaly or Naphtaly Hirsch. Jacob Franks died intestate in New York, and we have only the record of the appointment of his administrators, one of whom was his daughter Richa.[87]

It has heretofore been stated that Jacob Franks was married in 1719.[88] The fact now appears that he was married in 1712. This is established through a newspaper notice of the death, on May 16, and burial on May 18, 1756, of his wife, known secularly as Abigail Franks. She is there referred to as having been married forty-four years.[89] By 1719 she already had had two children.[90] She is described in the Congregation Shearith Israel's MS. list of "Ashcaboth" as Bilha Abigail *bat* Mosche Asher. Thus it appears that

[80] *Ibid.*, No. 21, p. 34; No. 25, p. 77.
[81] Liber 28 of Conveyances, pp. 181, 182, in Register's Office, New York County.
[82] *Publications, supra,* No. 25, p. 125 and No. 4, p. 201.
[83] *Ibid.*, No. 21, p. 51 and No. 18, p. 213.
[84] Rubric P. C. C., 245 Derby.
[85] Rubric P. C. C., 418 Collier.
[86] *Publications, supra,* No. 18, pp. 213-214.
[87] *Ibid.*, No. 25, p. 80.
[88] *Ibid.*, No. 4, p. 190.
[89] *The New York Mercury,* May 17 and 24, 1756, and *The New-York Gazette, or The Weekly Post-Boy,* May 24, 1756.
[90] *Publications, supra,* No. 25, p. 75.

her father, Moses Levy, also had the name Asher in addition to Raphael Moses mentioned above.

Jacob Franks' first son was named Naphtaly and two of his daughters Sara and Phila respectively.[91] This followed the Hebrew designation of his parents instead of the English Abraham and Abigail, given in the affidavit he recorded in 1710. His son Moses left America and became prominent in London as a member of the firm of Colebrook, Nesbitt and Franks who acted as agents for the King in provisioning the British forces during the French and Indian war,[92] photographic copies of whose accounts and of letters of Moses Franks, relating to their agency, now in the Library of Congress, have, at the suggestion of the writer, been obtained by this Society. Mr. Solomons has supplied the inscription on this son's tombstone. He wrote that it is all in Hebrew, and, translated, reads:

> Here is interred Moses Franks who died on Friday 6 Nisan 5549 and was buried the following Monday 9 Nisan aged 69.

The correct age was 70—born January 1, 1718-9, died April 2, 1789.[93]

Jacob Franks' age was about 81—born 1688, died January 16, 1769.[94]

SAMUEL OPPENHEIM.

INFLUENCE OF AMERICAN PRECEDENTS AND JEWISH PATRIOTISM UPON JEWISH EMANCIPATION ABROAD.

The extent to which American precedents were responsible for the emancipation of the Jews in Europe cannot as yet be adequately emphasized.[95]

The precedents were, of course, repeatedly emphasized in England, for instance, in Macaulay's famous essay and address on

[91] *Ibid.*, No. 25, p. 78; No. 18, pp. 121, 213.
[92] *Ibid.*, No. 11, p. 182.
[93] *Ibid.*, No. 25, p. 78; No. 18, pp. 213, 214(6).
[94] *Ibid.*, No. 11, p. 82; No. 4, p. 190; No. 18, pp. 213, 214.
[95] This influence upon Mirabeau, Grégoire, Lafayette and other French Revolutionary leaders was suggested by me in *Publications, supra,* No. 11, pp. 54-9, 62-3, and my views were approved by Dr. Moise Schwab, of Paris, in *Jewish Comment,* June 17, 1904, as "an essential point," a "gap hereafter to be filled." See also *Publications, supra,* No. 24, pp. 5-7 note. Sigmund Seeligmann (*ibid.*, No. 22, p. 34 *et seq.*) and M. Silber (*ibid.*, p. 124) cite contemporary evidence as to the influence of these precedents on Holland. Dohm, David Friedländer and Buchholz often employed the same argument.

Jewish disabilities and Sir Francis Goldsmid's pleas. Especially interesting is the following passage from an opinion, dated November 20, 1808, on Jewish emancipatory legislation by von Schrötter, Prussian minister of state, who dwelt particularly upon Jewish valor on the battlefield during the American and French Revolutionary Wars, just before Prussia made Jews in common with others subject to military service in the War of 1812-14.[96]

> The Jew has fiery oriental blood in his veins and a vivid imagination, all indicative of virile courage, when utilized, and carried into practice. He was very brave in the ancient and middle epochs, and even in very recent times striking examples of Jews who distinguished themselves are afforded by the American as well as French Revolutionary Wars. The timidity of the Jews arises, according to my opinion, from the serfdom in which they are kept, and from the contempt in which all nations regard them.[97]

This passage would have fortified the argument in Dr. Max Grunwald's interesting *Die Feldzüge Napoleons*, Vienna, 1913, and supplements an informing, little-known reference to the Duke of Wellington's views of Jewish bravery which Grunwald[98] gives there only in a fragmentary fashion.[99]

The hero of Waterloo, answering the Marquess of Westminister's speech[100] in favor of Jewish emancipation, was compelled in the course of his own reactionary and illiberal address to say:[101]

> The noble Marquess stated that there were no less than fifteen officers of the Jewish religion at the battle of Waterloo. I have not the least doubt that there are many officers of that religion of great merit and distinction, but still I must again repeat they are not Christians.

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[96] See *supra*, p. 103; "The Jewish Encyclopedia," *s. v.*, "Army," and works there cited.

[97] Quoted in Alfred Stern's *Abhandlugen und Aktenstücke zur Geschichte der preussischen Reformzeit, 1807-1815*, Leipzig, 1885, p. 231, and in the chapter on the Prussian edict of March 11, 1812, concerning the emancipation of the Jews, *ibid.*, pp. 228-264. See also Freund, *Die Emanzipation der Juden in Preussen*, Berlin, 1912, vol. ii, p. 210.

[98] *Ibid.*, pp. 49-50.

[99] The full passage is to be found in John Gurwood's "Speeches of the Duke of Wellington in Parliament," vol. i, p. 674, a more complete report than "Parliamentary Debates," 3rd series, vol xx, pp. 221-55, of the speech delivered August 1, 1833 in the House of Lords on the bill to permit Jews to omit the words "on the true faith of a Christian" before taking seats in Parliament. The addresses of the session in question, including Wellington's, are reprinted at length in a rare pamphlet entitled "Debates in the House of Commons on a Resolution Preparatory to the Introduction and in the House of Lords on the Motion for the Second Reading of the Bill for Removing the Civil Disabilities of the Jews," London, 1834, 100 pp. The work was issued for the Committee of the Jewish Association for Obtaining Civil Rights and Privileges, and contains an address by Barnard Van Oven, Honorary Secretary; a copy is to be found in the library of the Jewish Theological Seminary of America in New York.

[100] *Ibid.*, pp. 69-70.

[101] *Ibid.*, p. 89.

Citing this passage from the debates on Jewish emancipation in Parliament during the session of 1833 reminds me that entirely too little atention has been paid by the historian to the memorable arguments, probably the most important on the subject in any land or time, then advanced. Robert Grant, the leader in the movement to enfranchise the Jews, was at his very best in his argument that year.[102] In this historical precedents were ably marshalled by him and examples of good citizenship and patriotism evinced by Jews as a result of their emancipation in other countries were collated. Grant dwelt particularly on the Napoleonic Sanhedrin and French Jewish patriotism, on Jewish emancipation in Holland and Belgium, and on the Hardenberg letters regarding Prussia's satisfactory experiences. Macaulay's speech of 1833, already referred to, was even abler than his famous *Edinburgh Review* essay, two years previously, nor should we overlook the splendid speeches of Daniel O'Connell, Lord Bexley and Archbishop Whately.[103] We ought remember, too, the able exposition by Brougham, then Lord Chancellor,[104] of the legal status of the Jew at common law, and the inapplicability to the Jews of the arguments, already obsolete, based on the theory that they are heathens, who are "perpetual enemies." Lord Holland soon reënforced this argument by a citation of authorities.[105]

MAX J. KOHLER.

DAVID FRANKS AS AN INSURANCE BROKER, 1757 AND 1758.

The following copies of letters are to be found in the Philip Cuyler letter book, 1755-1760, at the New York Public Library.

NEW YORK 19th Dec. 1757

Mr. David Franks
Sir

As I have a Large sum uninsured on board the ship *Charming Rachell*, Andrew Scott, M^r^. who sailed from Sandy Hook the 6 Nov^r^ Last for Liverpool, please to inform me per first what you could have it done for at your place. I beg you will not fail of advicing me. as I intend to have same done at your place if the Premium be not too great.

I am
[PHILIP CUYLER]

[102] *Ibid.*, pp. 8-23; "Parliamentary Debates," 3rd series, vol. xviii, pp. 207-20.

[103] *Debates, supra*, pp. 29-38, 46, 49-56, 60-7.

[104] *Debates, supra*, pp. 78-85; "Parliamentary Debates," *supra*, vol. xx, pp. 239-43.

[105] *Debates, supra*, pp. 95-7; "Parliamentary Debates," *supra*, pp. 254-5.

NEW YORK 2d January 1758

Mr. David Franks
Sir

Your favour 23d ultimo have before me. Have now to request you will get insured for my account four Hundred pounds on the Goods on board the ship Charming Rachell, Andrew Scott, Mr. from this port to Liverpool on as easy Lay as you can and send me the cost of Prem°. I sent Mr. Tweedy pr. post when he was at your place a letter directed to your care; which beg you will gett at the post office and forward me the same pr. a private hand. Inclosed you have a letter for Mr. Dirk Van Heyden, merchant, in London which pray forward him per first either via Ireland direct or elsewhere, advicing me which way & by what Conveyance it's gone as it's a Letter of Consequence. Beg your particular Care therein. V der & his Lady are well. The Compliments of the season attends you.

I am
[PHILIP CUYLER]

per post.

* * *

NEW YORK 18 Feby 1758

Mr. David Franks
Sir

Your favour 11th ult° came to hand inclosing the policy for £400, on the Charming Rachel, which hope before now is avoided.

Your bill on me for £71 Currency in favour Mr. James Jauncy I paid when it was presented being the Amt of the Insurance & postage

I am
[PHILIP CUYLER]

per Allen

* * *

NEW YORK 9th June 1758

Mr. David Franks
Sir

I am informed there are two vessels sails from your Port to Europe very soon. Beg you will forward the letters inclosed pr first conveyance Advice me pr Return of the Bearer by what opportunity they go.

I am
[PHILIP CUYLER]

per Waddell Cunningham.

* * *

NEW YORK, 14 Augt 1758

Mr. David Franks
Sir

Inclosed you have the Policy for the Insurance you made for my Account on goods in the Charming Rachell, Andrew Scott, Late Master, who had the misfortune of being taken and carried into Luisburgh and a few day ago arrived here. You have herewith his Protest, Capt. Scott's bill of Lading, Copy of the Invoice, with my affidavit which doubt not but will be sufficient to recover my loss.

I find by the Policy the Underwriters have three months time after Proof of loss to pay the Cash.

As I would rather have it paid directly and would willingly allow them the customary discount which if it can be done you will please to do it; and when the Cash is received send me a good bill on this place, payable for so many dollars of which advice me per first

I am
[PHILIP CUYLER]

Per post.

New York 18 September 1758

Mr. David Franks
Sir

Your favour 11 Current have before me; the one you wrote me the 21 ultimo did not come to hand, Occasioned by it's being Lost in the Streets; the Order on Mr. Laurence Reade drawn by Willing & Morris is paid, being three hundred and ninety four dollars, and as I had made the sale of the Policy over to Mr. Benjamin Levy you will please to acquaint him therewith.

Pray inform me what Good bills on London at 30 or 40 days Sight can be bought for with you; and what they ask Premium from hence to Bristol on a fine New Snow sailed about three weeks since.

I am
[Philip Cuyler]

per paid postage.

Samuel Oppenheim.

American Jewish Journalism to the Close of the Civil War.[106]

Jewish journalism in America did not begin to take its rise until the American Jewish community had grown to a sufficiently considerable size and begun to receive a fair share of new immigrants from the countries of the Old World. This change occurred with the early 'twenties of the nineteenth century. The first journal, a monthly magazine devoted to combating the attacks and activities of the missionaries to the Jews, was *The Jew*, edited by Solomon H. Jackson, a relative of Mordecai Manuel Noah. It lasted from 1823 to 1825.

Isaac Leeser's new monthly periodical, *The Occident and American Jewish Advocate*, which was devoted "to the diffusion of knowledge on Jewish literature and religion," first appeared in April, 1843. Leeser's journal supported historical Judaism, gave considerable space to literary and historical matters of Jewish interest and furnished much information in the shape of items of current news to its readers. Moreover, it introduced, though not obtrusively, the personal element into American Jewish journalism, and was the first publication of its kind to be edited by a minister. It was issued at monthly intervals to March, 1859. From April, 1859, to March, 1861, it appeared every week and then reverted to its original character as a monthly. It survived to

[106] See the writer's papers on "Main Currents of American Jewish Journalism," in the twenty-fifth anniversary issue of *The Reform Advocate*, May 27, 1916, pp. 503 *et seq.*, 516 *et seq.* Because of the arbitrary *terminus ad quem* of the present note only journals printed in English and German are herein considered. See also, the report of the committee on indexing American Jewish periodicals, in *Publications, supra*, No. 13, p. xix *et seq.*

1869, and, for the year following Leeser's death in 1868, was edited by Mayer Sulzberger, then of the Philadelphia bar.

The Kingston, Jamaica, monthly magazine *First Fruits of the West: Bikkure ha-Yam*, edited by M. N. Nathan, a minister, and Lewis Assenheim, M. D., was published from February to November in 1844.

Robert Lyon, an English Jew who arrived in the United States in 1844, established *The Asmonean* as a weekly at New York, October 26, 1849.[107] It appeared under the patronage of the congregations in Crosby, Wooster, Attorney, White, Elm and Henry Streets, at the time the leading synagogues of New York, and advocated "a congregational union of Israelites of the United States." Its contents in the main comprised brief editorial notes, European Jewish news culled from foreign newspapers and a slight amount of American and local Jewish items of information. Besides, it paid special attention to mercantile affairs of a general nature. It thus answered to its description of a family journal of commerce, politics, religion and literature. In the middle 'fifties an occasional German supplement of a few columns was added. Two issues appeared within black borders: those of October 29, 1852, to mark the demise of Daniel Webster and of March 12, 1858, to mark the death of the editor on March 10. The last issue of this journal bore the date May 14, 1858.

July 15, 1854, marked the first appearance of *The Israelite*, the oldest existing Jewish journal in the United States, which was founded by Isaac Mayer Wise, of Cincinnati, and was the first American Jewish periodical to be published in the interest of Reform Judaism. On August 24, 1855, Wise, assisted by Rabbis Wolf Rothenheim and Isidor Kalisch, commenced to publish *Die Deborah*, a weekly in the German language, dedicated to the daughters of Israel.[108]

On the Pacific Coast *The Hebrew Observer*, established by William Saalburg, began to appear in 1855 as a German and English weekly Jewish newspaper at San Francisco. In 1856 Julius Eckman established *The Gleaner*, also at San Francisco, as a weekly in the English language. This was followed during

[107] A tolerably complete file of *The Asmonean*, which has become rather scarce, may be found at the New York Public Library. From September, 1852 to 1854 Isaac Mayer Wise, then of Albany, N. Y., was department editor for theology and philosophy; Max Lilienthal succeeded him as such, 1854-1855.

[108] See Wise's biography, "Isaac Mayer Wise," by Max B. May, New York, 1916, *passim* and especially p. 194 *et seq.*

1860-1861 by H. Bien's *The Pacific Messenger*, with its one-page German supplement, *Der Bote*. Finally, in 1863 Philo Jacobs started *The Hebrew*, in German and English, again in San Francisco.

In 1857 *The Jewish Messenger* was started in New York by Rev. Samuel M. Isaacs, at first as a bi-weekly but soon as a weekly, under the direct auspices of a group of very young men headed by his eldest son, the late Myer S. Isaacs. It championed the cause of historical Judaism, and sought to respond to its chosen motto: "A messenger of good tidings, publishing salvation."

In May, 1859, was commenced the publication of *The Hebrew Leader* in New York; it maintained a conservative religious position in its editorial columns. This journal, especially during the editorial sway of Jonah or Jonas Bondi, its founder, also paid considerable attention to Jewish fraternalism, and gave up several of its columns to a German edition, frequently a translation of the English paragraphs. Bondi was a native of Bohemia and a man of some journalistic and pedagogical attainments. The publication lasted to December, 1882, though his editorial connection with it covered only the years from 1859 to 1874.

Abraham S. Cohen issued the first number of *The Jewish Record* in October, 1862. Its standpoint was orthodoxically Jewish, and fraternal news was a feature of its columns. On July 7, 1865, shortly after the completion of its fifth volume, this journal passed into the control of Bondi by whom, on the following August 4, it was merged with, or, perhaps, renamed *The Hebrew Leader*. Cohen then abandoned the career of a journalist to embark on the practice of his profession as a lawyer.[109]

The Civil War was a time scarcely favorable to new journalistic enterprises, and no new American Jewish periodical except *The Hebrew* in distant California and *The Jewish Record* in New York were launched during its course.

But the decade preceding the irrepressible conflict beheld great numbers of German Jews arriving on these shores, and it was

[109] See Hermann Brill, *Die jüdische Zeitpresse in Nordamerika*, in Leopold Löw's *Ben Chananja*, vol. viii, col. 864 *et seq.*, (1865); "The Jewish Communal Register of New York City, 1917-1918," pp. 596 *et seq.*, 1447 *et seq.* (S. Margoshes). For information concerning *The Jewish Record* I am indebted to Miss Elfrida Cowen. On *The Hebrew Leader* see "The Jewish Encyclopedia," New York, 1904, vol. vi, p. 310; see, also, *The American Israelite*, June 15, 1893, pp. 4, 5, and its two succeeding issues for an interesting but at times inaccurate paper by Isaac Mayer Wise. See also, Rabbi Max Heller, "Journalism and the Rabbi," in *Hebrew Union College Monthly*, vol. iv, p. 145 *et seq.* (1918).

necessary, if they were to be reached through the medium of the printed word, to found journals in the German language. These periodicals sought to enable these immigrants to fit themselves the more readily into their new environment by picturing American Jewish conditions in the only speech which was familiar to them.

The first of such journals was *Israel's Herold*, a B'nai B'rith organ, which appeared under the editorial direction of Isidor Busch during part of 1849.[110] Wise's *Die Deborah*, which has already been mentioned, was the next.

Dr. David Einhorn's *Sinai. Ein Organ für Erkenntniss und Veredlung des Judenthums*, a monthly magazine, commenced to appear in February, 1856, at Baltimore, where its editor was at that time the rabbi of a congregation. The final number was published in January, 1863, from Philadelphia, whither it had been removed a few months previously. *Sinai* succumbed to its editor's pronounced anti-slavery views, because of which he was unable to collect debts due him on its account at the South.[111] The journal was outspoken in support of Reform Judaism, and many of Einhorn's important contributions to Jewish theological literature first appeared in its pages. In addition, it published sermons, tales of Jewish life, notable literary reviews, essays and historical papers.

G. M. Cohen, an old-time exponent of German journalism in America, founded *Der Israelitische Volksfreund* at Cincinnati early in 1858. It was published but a short time.

Albert M. Friedenberg.

[110] See *Publications, supra,* No. 17, p. 205; No. 23, p. 187 *et seq.*
[111] *Ibid.,* No. 5, p. 147 *et seq.*

NECROLOGY.

Bernard Bruenn.

Bernard Bruenn was born in New Orleans, April 17, 1859. His father was Zacharie Bruenn and his mother, Deborah Seligman. He received his early educational training in the public schools of New Orleans and graduated from the Boys' High School in that city. For a short time he attended Soule's Commercial College after which he entered the law school of the University of Louisiana (now Tulane University) from which he graduated in 1881. By his ability and engaging manners he soon rose to a place of prominence in his profession. On account of his fine executive ability he was selected as vice-president of the Atlantic and Danville Railroad after it went into the hands of receivers. After three years of hard work he cleared the property of debt and placed the road on a paying basis. During this time he resided in Portsmouth, Va., where he made a host of friends and where he was regarded as a brilliant lawyer of unusual talents.

A Federal judgeship was offered him but he declined it. During the "Home Rule" campaign in New Orleans, Mr. Bruenn was tendered the nomination for district attorney, which he also declined. He was an excellent and careful lawyer of a modest and retiring nature; but his sterling worth was appreciated by all who knew him.

He was a member of Lynwood Lodge, F. & A. M., and had received the 32° in the Ancient Accepted Scottish Rite. He was past high priest of Concord Chapter, No. 2, R. A. M., and past thrice illustrious master of the council, R. & S. M. He was a leading member of the Touro Infirmary, Hebrew Benevolent Association and Jewish Orphans' Home Association, and a

member of the Young Men's Hebrew Association, the Louisiana Bar Association, and the Chess, Checkers and Whist Club of New Orleans.

Mr. Bruenn died in New Orleans, October 4, 1916. By his will nearly all his property was devoted to charity. The law department of his *alma mater* was made residuary legatee receiving the bulk of his fortune.

Ceasar Cone.

Ceasar Cone was born in Jonesboro, Tenn., April 22, 1859, the son of Herman and Helen Cone. He was educated in Baltimore and in that city was engaged in business with his father and brother. More than twenty years ago with his brother, Moses H. Cone, he removed to Greensboro, N. C., and entered the business of manufacturing cotton goods. He and his brother were eminently successful and opened up new industries in the state of North Carolina which were of benefit to the entire state. Mills and villages which were created by the industrial genius of these two men were models and examples which reacted favorably upon all the cotton mill operators in the South. A waste of field and forest was transformed into a large and prosperous community dotted over with factories and schools and churches and the homes of a happy and contented people. Every mill and workshop in his district was provided with the most approved arrangements. Free schools with competent teachers were conducted at his expense. Parks were laid out, in fact as much consideration was shown for the comfort of the employees as for that of the employer.

Besides his profound interest in the industrial plants of North Carolina, he was actively interested in Jewish affairs. He was a member of the American Jewish Committee and the Relief Committee for Sufferers from the War, and for many years a member of this Society. He was a man of charming temperament, courteous and considerate to all with whom he

was brought in contact. He died on March 1, 1917 and is survived by a wife and three sons.

CYRUS ADLER.

BENJAMIN FRANKLIN EINSTEIN.

Benjamin Franklin Einstein was born in Lancaster, Pa., August 12, 1845 and died in his seventieth year in the city of New York, February 27, 1915. His parents were Rudolph Einstein and Babette Einstein, *née* Landauer, both of whom were born in Germany and they married in Philadelphia. The parents afterwards moved to Lancaster, where Frank, the eldest of five children, was born.

When Frank was about four years old his parents moved to Savannah, Ga., where his father opened a small dry goods store. He remained in Savannah about five or six years and then removed with his family to Macon, where Frank first attended a private school known as the Singleton Academy. He was a brilliant and painstaking student and at the commencement he received the first prize for his recitation, which was on the life of Benjamin Franklin. This prize so awakened his interest in the life of Franklin that it caused him to change his name to Benjamin Franklin. On account of his facility in argument and clearness of reasoning his father was advised by several prominent lawyers of Macon, who had heard Frank speak, to encourage the son to study law.

Shortly after this time the parents removed to Atlanta, and Frank was sent to the Military Academy at Marietta. He remained there until the Civil War began and, in 1863, when eighteen years of age, he came to New York and studied law and afterwards entered the office of one of the most distinguished lawyers practicing criminal law of that time, John Graham. At the same time he attended the law school of Columbia College, now Columbia University. After serving

his apprenticeship with Mr. Graham he practiced law alone for a number of years, his office being at 261 Broadway.

In 1881 he became a member of the firm of Townsend, Dyett & Einstein, located at 247 Broadway, which partnership continued for thirteen years. In 1894 he formed the partnership which continued until his death, bearing the names successively of Einstein & Townsend; Einstein, Townsend, Guiterman & Shearn—the last named afterwards became and now is a distinguished judge on the Supreme Court bench of the state.

Early in his professional practice he specialized in the law of libel, becoming the attorney for *The New York Times* as well as the personal attorney of the editor and proprietor, Mr. George Jones. He represented *The New York Times* for upwards of thirty years. He was also attorney for a number of years of the *New York Journal* (subsequently the *New York American*) and was retained as counsel from time to time by some of the leading newspapers published in New York City. While the practice of his firm was general, they became attorneys for the principal leaf tobacco importers and dealers, he having gained by reason of his thorough study of the subject a fundamental knowledge of the tobacco industry, which caused him to be retained as counsel and adviser in almost all the important litigations affecting that branch of the trade. He was deeply interested in the purposes and objects of the American Jewish Historical Society and joined it shortly after its organization.

To return to his private life. In 1870 or thereabouts he married Rosana Cullen, who, though born a Christian, chose to embrace the same faith as her husband. His wife died in 1902 leaving surviving seven children. In addition the parents had two children who died in infancy.

This in brief is the outline record of the life of Benjamin Franklin Einstein. He was a remarkable man, both in character and in attainments. He had an innate sense of justice

and by reason of his judicial temperament and kindness and sympathy he made many firm and staunch friends. All who came in contact and had relations with him learned soon to have the fullest confidence in and reliance upon his conscientiousness and fairness, and in his ability and judgment. I remember speaking on one occasion with George Jones, the proprietor of the *Times,* who consulted him in all important matters relating to his newspaper as well as to his private affairs. He said to me: "Frank Einstein, above all men I have ever known, is pure gold all the way through." If he had any fault it was that he carried unselfishness to an extreme, so that his clients often had to remind him to send his bill and to insist upon his taking compensation for services for which he neglected to make any charge. He was always ready to render kindness to a friend, while matters which were of interest to him personally he would postpone and at times neglect in furthering the interests and welfare of a friend. He was invariably ready and prompt and usually, if the circumstances permitted, did more than the request for his helpfulness implied.

The practice of his firm was a large one and he came in relationship with the leading members of the Bar, and without an exception he won their respect for his ability and esteem for his character. He possessed the learning and the qualities of a great lawyer. He had a clear, quick and comprehensive grasp of principles and details. He would have acquired the reputation of one of America's leading lawyers, but there was one element lacking and that, I take it, was the result of his extreme unselfishness, namely, he was entirely unambitious for self. He was by learning, ability, character, and temperament equipped with all the qualities of a great judge, and because of the lack of ambition he would never permit his friends to take the steps that would have readily secured him a seat on the bench for which he was ideally fitted.

Oscar S. Straus.

Selmar Hess.

Selmar Hess, who died on February 26, 1917, was born in Bernberg, Germany, near the Hartz Mountains. He left school when but fourteen years of age, as the family was large and he was needed to help to support his father and mother and their six children. But Bernberg was too small for him, so, after a few years and despite the wishes of his parents, he left home to seek larger opportunities abroad. He went first to London, but soon yielded to the lure of opportunity which America offered, for the land of freedom fired the imagination of so many of his young compatriots in the years immediately following the Civil War.

After a short and disappointing stay in New York, he traveled westward, filled with the spirit of endeavor, and put his energy to various occupations in Salt Lake City and Omaha. After a year of wandering, which included a brief stay in Buffalo and in Philadelphia, he settled down in New York in the publishing business, first as partner of two other young men under the firm name of McMenamy, Hess & Co., but soon quite alone. In 1873 he married Josephine Solomon who was his loyal and devoted helpmate until her untimely death but a few months ago.

The firm of Selmar Hess always enjoyed the reputation of putting forth creditable work. It published large books which sold in parts on subscription; those dealing with history, art or natural history, of which "The World's Great Nations," "Art and Artists of Our Time," "Our Living World," and "A Child's History of the United States," comprise some of the most notable examples. Great care and thought were devoted to these productions to make them as perfect in authorship and in form as was commensurate with good business. Photogravure illustrations were introduced in these publications for the first time in this country.

While building his material success, Mr. Hess was not unmindful of the disabilities he suffered because of insufficient

early schooling, and he continued to the end of his days to cultivate himself by wide reading of good literature and history so that he became an unusually well-informed man who had overcome by his own efforts what the circumstances surrounding him in youth had denied him.

Mr. Hess' generous impulses found expression in spontaneous giving in a number of directions where he felt the need was greatest, and when he could help independent of the stimulus of solicitation.

He unfolded himself to but few in the close intimacy of friendship, but to them he was ever kindly, thoughtful, and considerate, and the insight he gave those whom he thus favored was that of a high-minded, introspective, retiring personality.

He leaves three children, Mrs. Abram I. Elkus, wife of our Ambassador to Turkey, Dr. Alfred F. Hess, a distinguished children's specialist of New York, and Mrs. Sigmund Albert.

Lee Kohns.

Martin A. Marks.

Martin A. Marks, born at Madison, Ind., February 6, 1853, died at Jackson Springs, N. H., August 31, 1916, was a born leader, and exemplified in every way the highest development of American citizenship. He was an intense, zealous and patriotic American, who personified in his conduct the ideals of our common country. He was a devoted Jew, loyal to the core, at the forefront of every movement that tended to the betterment and uplift of his co-religionists at home and abroad.

As president of the congregation, he evidenced those traits of character which cement and unify, and with the coöperation of his gifted brother-in-law, Rabbi Moses J. Gries, made the Cleveland congregation a model and an example. He was an active member and co-worker in all the civic and Jewish associations that have contributed so much to the prosperity and

development of the nation—the National Conference of Jewish Charities, the Independent Order of B'nai B'rith, the Union of American Hebrew Congregations—in short, every organization to which he belonged was enriched by his knowledge, integrity and diplomatic energy. As a citizen of Cleveland, he stood in the forefront of every movement that has brought that wonderful City of the Lake into such prominence and recognition. The other evening, Justice John H. Clarke of the Supreme Court of the United States and Secretary of War Newton D. Baker spoke in enthusiastic terms of their dear and beloved friend, Martin A. Marks, saying that no citizen of Cleveland enjoyed greater confidence and good will at the hands of his fellowmen than he. It was his genius and spirit of fraternal good will that brought unification in the charities of that great city.

As a son, brother, husband, father, friend, citizen, he exemplified throughout his life the highest tenets of manhood, and has left a record of which each and everyone can feel justly proud—the legacy of good deeds, far more ennobling than that of untold wealth. His memory will ever be cherished by his thousands of friends, and in the annals of American Jewish history, he will have an important page.

SIMON WOLF.

JACOB OTTENHEIMER.

Jacob Ottenheimer was one of the most respected Jews of the Cincinnati community. Having been born and trained in this city and having spent his career entirely in it, he represented a notable period in the history of Cincinnati Jewry.

He was born August 23, 1855. His parents were Henry and Sophie (*née* Levi) Ottenheimer. His schooling comprised three years' study at the Woodward High School and a course at the Talmud Yelodim Institute of Congregation Bnai Yeshurun. The latter is one of the oldest Jewish congregational

schools in this country and has a number of alumni who have become well known. In 1898 Jacob Ottenheimer became president of the board of trustees of this institute, succeeding the late Abraham J. Friedlander, and served in that capacity till the time of his death.

In 1889 he married Carrie Newburger. Two sons, Henry and Julian Robert Ottenheimer, survive him. He was president of Congregation Bnai Yeshurun four years and served as a member of the board of trustees of that congregation till 1916. He was a member of the Board of Governers of the Hebrew Union College since 1905, of the Board of Governors of the United Jewish Charities, of the Jewish Hospital, of the Cincinnati Lodge, No. 4, I. O. B. B., of Franklin Lodge, No. 4, I. O. O. F., and of Cincinnati Lodge, No. 133, F. & A. M., of which he had been master and treasurer. As a loyal disciple of Isaac M. Wise, he coöperated in the movements that made for the Americanization of Jewish life, took his Judaism seriously and cherished it with genuine sincerity. His character was exemplary and his ardor for the cause of Judaism earnest and zealous.

He was especially devoted to the cause of Jewish education and was continuously active to promote it. No cause was dearer to his heart or evoked from him more willing sacrifice and service. He will be remembered for many sterling qualities both in his domestic and in his public life and he has a permanent place in the affectionate memory of the Cincinnati Jews for his hearty and sympathetic devotion and fidelity to Jewish ideals.

Louis Grossmann.

Martin Philippson.

Martin Philippson, born June 27, 1896, died August 2, 1916, a corresponding member of the American Jewish Historical Society since 1909, was the elder son of the celebrated Ger-

man rabbi, Ludwig Philippson. He was born at Magdeburg, Prussia. When his father removed to Bonn he attended the University of that city and later the University of Berlin, 1863-66. While at the latter he devoted himself particularly to the study of history which became his chosen field of research. At the age of twenty-two he began teaching at the Jewish normal school of Berlin. He continued here until the outbreak of the Franco-Prussian War in 1870 in which he served as a volunteer. Returning to his chosen profession at the end of the war he began lecturing at the University in 1871 and four years later was named assistant professor of history. The faculties of the University elected him to the full professorship in 1875 but the Emperor William I. refused to sanction the appointment owing to the fact that Philippson was a Jew. Unlike many another Jew, who for the sake of university advancement in Prussia forsook his ancestral faith, Philippson would not sell his birthright for even a full professorship in a Prussian university. Being thus barred from a university career as full professor in his native land he accepted a similar appointment at the University of Brussels in 1878. For thirteen years he held this position, serving with distinction and great ability. He resigned his post in 1891 owing to anti-German and socialistic outbreaks among the students. While living in Brussels he was closely identified with Jewish affairs serving as a member of the Central Commission of the Israelites of Belgium.

After severing his connection with the University of Brussels he removed to Berlin where he resided until his death. During the quarter century of his life in the German metropolis he was one of the foremost figures in its Jewish community. He served the cause of Jewish learning and Jewish education in many ways. In 1896 he was elected executive chairman of the *Deutsch-Israelitische Gemeindebund.* He was largely instrumental in founding the *Gesellschaft zur Förderung der Wissenschaft des Judentums* and was its presiding officer. He

was also president of the *Verband der Vereine für jüdische Geschichte und Literatur in Deutschland.* Beginning with the year 1898 this last-named society has issued a year book to which Philippson contributed annually the opening article. This was a review of the happenings of the year in the Jewish world. These articles from 1898 to 1915 present a comprehensive picture of the chief events in contemporaneous Jewish history during that time. Philippson contributed also to the year book of 1911 a sketch of the life and work of his father, the occasion being the centenary of the birth of that leading figure in nineteenth century Jewry.

Philippson was a prolific writer and published many historical and biographical works in the field of general European history, notably German, French and Spanish. His first book *Geschichte Heinrichs des Löwen* was published in two volumes in 1868 when he was twenty-two years of age. This was followed by many others. It was, however, only in the last decade of his life that he published a large work of a specific Jewish nature. This was his history of the Jews in modern times, dating from the French revolution to the present. The work is in three volumes and is entitled *Neueste Geschichte des jüdischen Volkes.* The first volume treats of the history of the Jews in Central and Western Europe from 1789 to 1875; the second volume continues the story to the year 1908 and includes the history of the Jews in the Orient, 1830-1908; the third volume treats of the history of the Jews in Russia and Poland, 1820-1910. Philippson was a trained historian and wrote graphically, though not always objectively. Thus the first volume of his history of modern Jewry was severely criticized because he permitted his filial admiration to mar his historical impartiality. He made his father the sun of European Jewish life during the greater part of the nineteenth century about whom all other figures of prominence moved as satellites. It was claimed that while this was pardonable, it was not justifiable, notably not in the case of so trained a his-

torian as was Martin Philippson. But barring this excusable partiality the three volumes of his modern Jewish history are the best contribution to the complicated subject of modern Jewish life in the lands of Europe and the Orient that we have. He gave, however, scant space to the Jews in America. Thus in his first volume he dismisses the entire subject of the history of the Jews in the United States up to 1875 with one page (388-9). In the second volume he is somewhat more generous in his treatment of the subject with which our Society is particularly concerned, devoting ten pages (287-96) to the general theme of the history of the Jews in the United States, 1875-1908 and two pages (182-4) to the story of the Reform movement and the opposition it aroused.

Martin Philippson was ever in the forefront of all movements for the advancement of Jewish learning. He had inherited a fine name and right worthily did he walk in the footsteps of his great father. He did much to stimulate Jewish literary and historical research. He shed lustre upon his generation. With grateful appreciation we recall his devoted service to the furtherance of lofty Jewish ideals and noble Jewish causes.

DAVID PHILIPSON.

FRANCIS DEÁK POLLAK.

Francis Deák Pollak was born in New York City, March 5, 1876. He was the son of Gustav and Celia Heilprin Pollak. At the age of sixteen he entered Johns Hopkins University, but, at the end of his Freshman year, he became a student at Harvard. From there, he was graduated in 1896 among the first scholars of his class. After leaving Harvard, he took up the study of law at the Columbia Law School. Upon his graduation in 1899, he was admitted to the bar, and became associated with Sullivan & Cromwell, one of the leading firms in New York. His talents had prompt recognition. He be-

came a member of the firm in 1908; and the association lasted till his death. In January, 1901, he married Inez Cohen; and she and three children survive him. He died on October 5, 1916, at the age of forty years.

These things are soon told. They give no just measure of the man. Finer even than anything that he did, was the man himself. He inherited a noble tradition of character and scholarship. His life, all too brief, revealed a mind and spirit worthy of his inheritance. An inspiring and wonderful inheritance it, indeed, was. His father, still living, is Gustav Pollak, author, journalist and scholar. His mother, who died in 1911, was the daughter of Michael Heilprin, and the sister of Angelo and Louis. To read the record of these men's lives is to gain a new sense of the reaches of the human mind and spirit. Their memory has been kept alive by Gustav Pollak in a volume of fascinating interest, "Michael Heilprin and His Sons." The book is dedicated to the author's grandchildren in the fond hope, as he writes, "that their future will bear the impress of the past described in these pages." One must believe that Francis Pollak too had felt the spell of the same ennobling influence. Something of a kindred radiance, something of the same high purpose, had been transmitted to him and dignified his life.

He won for himself in a few years a post of leadership at the Bar. He gave himself to his work with a devotion that spent his strength. He did too much, yet he found time for more. He was chairman of the legislative committee of the City Club. He drew the protest presented in 1911 by the reform organizations opposing the Gaynor charter. He took a leading part in drafting a plan for city home rule to be submitted to the constitutional convention of 1915. He was a member of the Committee of 107 which in 1913 nominated the present fusion administration of the city of New York. He served, by appointment of Mayor Gaynor, as a member of a committee to standardize the pensions of city employees. He

served on committees of the Citizens' Union, the Reform Club, the Association of the Bar, and the County Lawyers' Association. He was a trustee of the Jewish Agricultural and Industrial Aid Society, and towards the end of his life was active in the work of settling Jewish immigrants on farm lands. All these things were done in hours snatched from an exacting legal practice, which charged and overcharged him with responsibilities and duties.

One tries to portray a man, and one finds that all one has done is to catalogue his qualities and interests. The portrait is inadequate, but its inadequacy would be unpardonable if it were to leave the impression that, with all this high seriousness of purpose, there was anything of austerity, any absence of light and warmth, in this fine and generous nature. He had a ready wit, a talent for striking phrase and telling epigram; there was charm and stimulus in his companionship; and with all these brilliant qualities of mind there went the modesty and the gentleness of a rare and lofty spirit. His memory will be treasured with reverence and affection.

BENJAMIN N. CARDOZO.

MOSES R. WALTER.

Moses R. Walter, a distinguished member of the Baltimore Bar, died on Wednesday, December 27, 1916. He was born in Baltimore, December 13, 1847, the son of Raphael and Regina Walter. His father was the head of R. Walter & Sons, at one time a well-known wholesale wool firm of Baltimore. He studied in private schools, and at the University of Virginia from which institution he was graduated in 1867. He entered the office of S. Teackle Wallis, one of the most distinguished members of the Baltimore Bar and one of the great lawyers of the country. Mr. Walter later established an office of his own and for well-nigh a half century was one of the ablest and most highly respected members of the Bar of the city, enjoying

the reputation of clearness of insight, of effectiveness in action, fidelity to his clients along with the most scrupulous probity. He was a member, as his family had been for many years, of the Madison Avenue Temple. He was profoundly interested in the Jewish charitable work in Baltimore, was a member of the board of the Maryland School for the Blind of which he was one of the organizers, a member of the University and Merchants Clubs, a member of the American Jewish Committee and one of the founders of this Society in whose welfare he displayed the keenest interest. He married Bertha Ullman and is survived by his widow and five children. Both the Federal and the local courts of Baltimore adjourned in his memory. One of my earliest recollections was the making of his acquaintance on a visit to Philadelphia. In the years of my residence in Baltimore I had his friendship, and of recent years had the happiness of renewing this from time to time. He was a gentlemen in the highest sense of the word and commanded universal respect and esteem from all classes in the city of Baltimore.

CYRUS ADLER.

EDWARD WOLF.

Edward Wolf was born in Eschweiler, Germany, January 1, 1856. He came to this country in 1871, and immediately thereafter engaged in business. In the year 1880 he associated himself with his cousin, Isaac Wolf, jr., in the printing business, which through their efforts grew until, at the time of his death, it was one of the largest houses engaged in advertising novelties in the United States.

He was married in 1880 to Goldena Strouse, daughter of Levi and Eliza Strouse.

He was actively identified with all the Jewish communal interests having been a director of the Congregation Rodeph Shalom of Philadelphia for over twenty years. He was pres-

ident of the Hebrew Education Society for thirteen years, and previous thereto had been a member of its board for over ten years. The unique character of the work of this society, the education of recently arrived immigrants, was of vital interest to him, and under his auspices the society has attained an enviable reputation. He was also a director of the Jewish Foster Home and Orphan Asylum of Philadelphia.

Mr. Wolf was of an unusually genial disposition. His constant and unfailing good humor brought cheer to those associated with him, and in his death the Jewish community has suffered a severe loss.

CLINTON O. MAYER.

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"Zu dem Verhalten der Päpste zu den Juden" (Eubel), ref. to, 27 (note).
Zunz, Leopold, work by, 11.
ref. to, 25 (note).
"Zur Chronologie des Josephus" (Niese), ref. to, 167 (note), 170 (note).
"Zur Familienname Asch" (Berliner), alluded to, 122 (note).
"Zur Geschichte der Juden Deutschlands im frühen Mittelalter" (Hoeniger), ref. to, 15 (note).
"Zur Geschichte der Juden in Böhmen, Mähren und Schlesien von 906-1620" (Bondy and Dvorsky), alluded to, 31 (note).
"Zur Geschichte der römisch-deutschen Frage" (Mejer), alluded to, 50 (note), 100 (note).
"Zur Geschichte und Literatur" (Zunz), ref. to, 25 (note).
"Zustand der Israeliten zu Frankfurt" (Bender), alluded to, 80 (note).
"Zwei Epochen aus der Geschichte der deutsch-israelitischen Gemeinde in Hamburg" (Haarbleicher), ref. to, 48 (note), 69 (note).

CONSTITUTION.

Name.

I. The name of this Society shall be the "American Jewish Historical Society."

Objects.

II. The objects shall be the collection, preservation, and publication of material having reference to the settlement and history of Jews on the American Continent, and the promotion of the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent.

Members.

III. Any person approved by the Executive Council may become a member by paying five dollars; and after the first year may continue a member by paying an annual fee of five dollars.

On payment of one hundred dollars, any person may become a life member exempt from fees.

Persons may be elected as honorary members and be exempt from the payment of fees; but no honorary member shall be elected except by the unanimous vote of the Executive Council.

Persons approved by the Council may be elected as corresponding members, and be exempt from the payment of fees.

Any member who shall have neglected or omitted to pay his annual dues for three successive years shall, on notice to him from the Treasurer of that fact and of this provision, *ipso facto* cease to be a member of this Society unless within one month after said notice he pays all of his dues in arrears

or shall be excused therefrom by the Executive Council of the Society, which is hereby authorized on proper grounds to remit said dues.

Officers.

IV. The officers shall be a President, four Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Curator, and an Executive Council, consisting of the foregoing officers and of twelve other members elected by the Society, with the ex-presidents of the Society. These officers shall be elected by ballot at each regular annual meeting of the Society. The additional members of the Executive Council shall be elected as provided in and by Section 3 of Article II of the By-Laws of the Society.

Council.

V. The Executive Council shall have charge of the general interests of the Society, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

Amendments.

VI. This Constitution may be amended by a two-thirds vote at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the Executive Council.

BY-LAWS.

ARTICLE I.

MEMBERS.

Section 1. The dues of members of the Society, including those elected between the 1st day of October and the 1st day of April in a fiscal year, shall be payable annually on the 1st day of October for said fiscal year in advance. Those joining as members between the 1st day of April and the 1st day of October in a fiscal year shall at such time pay dues only for the current half-year, proportionately, and thereafter shall pay full yearly dues in advance on the 1st day of October in each year.

Section 2. The fiscal year shall extend and include from the 1st day of October to the 30th day of September next ensuing in each calendar year.

Section 3. The President and the Corresponding Secretary, whenever the Society or its Executive Council is not in session, shall have the power to act upon applications for membership in the Society.

Section 4. Members whose dues are more than one year in arrear on the 1st day of October, at the opening of a new fiscal year, shall not be entitled to receive such publications as the Society may thereafter issue until and unless such dues in arrear shall have been fully liquidated.

ARTICLE II.

OFFICERS, ETC.

Section 1. The term for which officers of the Society shall be chosen is one year and until their successors shall have been duly elected and qualified.

Section 2. Vacancies occurring in the term of any officer of the Society shall be filled by the vote of a majority of the members of the Executive Council, present at any meeting thereof, for the remainder of said term.

Section 3. The term for which additional members of the Executive Council of the Society shall be chosen is three years

and until their successors shall have been duly elected and qualified. At the twenty-fourth annual meeting of the Society twelve additional members of the Executive Council shall be chosen, of whom four shall hold office as such for one year, four for two years, and four for three years, in accordance with the action of the Society at such annual meeting. The successors of each of said additional members of the Executive Council shall thereafter hold office as hereinbefore first provided.

Section 4. Vacancies occurring in the term of any additional member of the Executive Council of the Society shall be filled, until the annual meeting of the Society thereafter, by the vote of a majority of the members of the Executive Council, present at any meeting thereof. At the annual meeting of the Society thereafter, such vacancies shall be filled by election by the Society for the remainder of said original term.

Article III.

DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings of the Society and the Executive Council, fix the time and place for holding the meetings of the latter, appoint the members of all committees when not named in resolutions, fill vacancies therein, and add to the membership thereof when requested so to do by the chairmen thereof. He shall have a general supervision of the Society and be *ex officio* a member of all committees.

Section 2. In case of the death, resignation or inability of the President to perform his duties, his functions and powers shall devolve upon the Vice-Presidents in the order of seniority respectively. If the President and all the Vice-Presidents shall be absent from any meeting of the Society or its Executive Council, a chairman *pro tempore* shall be chosen for such meeting by the members present thereat.

Section 3. The Corresponding Secretary shall conduct the correspondence of the Society, under the direction of the President. He shall have charge of the Seal, Charter, Constitution, By-Laws and records of the Society and certify or attest all instruments from the Society. He shall issue all notices of meetings, and notify all members of their election and of such other matters as may be directed by the Society, the Executive Council or the President. He shall receive, duly file and safely keep all papers,

reports and documents, other than those appertaining to the Treasurer and the Curator, belonging to the Society, and at each meeting of the Society or the Executive Council report such letters and communications, as far as practicable, as he may have received since the time of his previous report. He shall distribute the minutes of meetings of the Executive Council among the members thereof within two weeks after each meeting has been held, and generally perform such other duties for the Society's business and development as may be necessary, proper and requisite.

Section 4. The Recording Secretary shall keep fair and accurate records of the minutes of each meeting of the Society and its Executive Council, and promptly transmit the same, after each has adjourned, to the Corresponding Secretary.

Section 5. The Treasurer shall receive, collect and hold subject to the order of the Executive Council all moneys, securities and other valuable papers of the Society, deposit all moneys in one or more banks or trust companies in the City of New York or elsewhere, approved by the Executive Council, pay all bills when the same are accompanied by vouchers drawn, signed and approved by the President and the Corresponding Secretary jointly, and render a financial report at each regular annual meeting of the Society and each meeting of the Executive Council. On the 1st day of April and the 1st day of October in each fiscal year he shall send bills for unpaid dues to the members of the Society, and shall notify the Corresponding Secretary of all changes and terminations in the membership of the Society. He shall notify the Corresponding Secretary on the 1st days of March and November in each fiscal year of all the members who on such dates shall be in arrears for dues, and the amounts of such arrearages.

Section 6. The Curator, under the direction of the Executive Council, shall have charge and superintendence of the library and collections of the Society, and the care and arrangement of the books, manuscripts and other articles belonging to the Society. He shall cause to be prepared and kept to date a proper catalogue and list of the same, and shall acknowledge the receipt of accessions donated to the Society. He shall expend in the purchase of books and other articles, and for their safekeeping and preservation, such sums of money, with the approbation of the Executive Council or the President, as shall from time to time be appropriated for the purpose, and render proper vouchers therefor to

the Executive Council. He shall make a full report, at each regular annual meeting of the Society, on the condition and progress of the library and the collections of the Society.

Article IV.

MEETINGS.

Section 1. There shall be held not less than two stated meetings of the Executive Council in each fiscal year. Written notice thereof shall be sent to each member of the Executive Council at least two weeks in advance thereof.

Section 2. Special meetings of the Executive Council shall be called upon the written request of at least five members thereof.

Section 3. Six members of the Executive Council shall be the requisite number for a quorum to transact business at any meeting thereof.

Section 4. Fifteen members of the Society shall be the requisite number for a quorum to transact business at any meeting thereof.

Section 5. Nothing herein contained shall operate to prevent the Society or its Executive Council from voting upon any proposition laid before either or both by mail.

Article V.

COMMITTEES.

Section 1. The following standing committees, namely: on publication, finance, and audit, shall be appointed by the President at the regular annual meeting of the Society, or within thirty days after the termination thereof, to hold office until their successors are appointed.

Section 2. The committee on publication shall consist of not less than three or more than five members, who must be officers of the Society or additional members of its Executive Council. It shall have charge of preparing, editing and issuing the publications of the Society, and has the authority by delegation from the Executive Council to determine what papers shall be published.

Section 3. The committee on finance shall consist of at least three members, of whom the Treasurer shall be one, all of whom shall be members of the Executive Council. It shall have charge

of the investments of the Society, with full power to make or alter any such in its discretion, and shall supervise and foster the permanent fund of the Society. Investments of the funds of the Society shall be limited to such as are lawful for savings banks and trustees in the State of New York, pursuant to the laws thereof made and provided from time to time.

Section 4. The committee on audit shall consist of two members. Its duty shall be to audit and examine the Treasurer's accounts and the vouchers thereunto appertaining and to report the result of its examination to the President or the Executive Council.

Section 5. A special committee on local arrangements shall be appointed to consist of not less than three nor more than five members of the Society, preferably residing in the locality at which each annual meeting of the Society takes place. Its duty shall be to care for and supervise all the details of the local arrangements for such annual meeting, including the edifice in which the same shall be held.

Section 6. A special committee on nominations shall be appointed to consist of not less than two nor more than five members of the Society, and no candidate for office shall be debarred therefrom by reason of his membership of this committee. Its duty shall be to report a list of nominees as officers and additional members of the Executive Council of the Society for election at the annual meetings of the Society.

Section 7. The right to make additional nominations from the floor at the annual meetings of the Society on the part of any duly-qualified member thereof is not abridged in any way by the provisions of Section 6 hereof.

Section 8. A special committee on programme shall be appointed to consist of three members, of whom the Corresponding Secretary shall be one. Its duty shall be to prepare and suitably print and distribute the programme of each annual meeting of the Society. It shall endeavor to secure appropriate publicity therefor, and shall have the right to determine the fitness and availability of papers to be submitted at such annual meetings, and the determination of the time to be allotted to each for presentation thereat.

Section 9. Special committees shall be appointed by the President pursuant to resolution of the Society or its Executive Council.

Article VI.

FUNDS.

Section 1. The permanent fund of the Society shall consist of the donations or bequests made to it, the payments received from members for life, and the interest and accumulations of the same. It shall not be drawn against except by and with the approval of the Executive Council by a formal vote to that end. The permanent fund shall be kept and used primarily to further research work in which the Society as such may be interested.

Section 2. The President shall have power at any time to authorize the payment of a sum or sums, not exceeding fifty dollars in the aggregate, in a single instance, out of the general fund of the Society, for the purpose of subventioning research work of any nature approved by him.

Section 3. The publication fund of the Society, as at present constituted, shall be employed so far as possible to defray the cost of the publications issued by the Society. Payments out of this fund shall be made by the Treasurer upon vouchers signed by the President and the Corresponding Secretary jointly.

Section 4. The general fund of the Society shall be employed to defray the current running expenses of the Society. Payments out of this fund shall be made by the Treasurer upon vouchers signed by the President and the Corresponding Secretary jointly.

Article VII.

SEAL.

Section 1. The seal of the Society shall consist of the following design: In the field a scroll on the face of which appear the words (in Hebrew), זכר ימות עולם, and on the circumference, American Jewish Historical Society.

Article VIII.

AMENDMENTS.

Section 1. These by-laws may be amended by a two-thirds vote of the members present at any annual meeting of the Society, notice of such amendment having been given in the printed programme of such meeting, or the proposed amendment having received the approval of the Executive Council.

Section 2. To entitle a proposed amendment to these by-laws to be included in the programme of an annual meeting of the Society, it must be formulated in writing, signed by not less than five members of the Society, communicated to the Corresponding Secretary not less than sixty days before the date of the annual meeting of the Society at which action thereon is contemplated, and notified to the members of the Society not less than ten days before the annual meeting thereof.

LIST OF MEMBERS.[1]

Honorary Member.

Hon. Andrew D. White, LL. D., Ithaca, N. Y.

Corresponding Members.

Dr. Israel Abrahams, M. A., 11 St. Barnabas Road, Cambridge, England.

Elkan N. Adler, 46 & 47 London Wall, E. C., London, England.

Dr. M. Brann, Wallstrasse 1 b, Breslau IV, Germany.

Prof. George Lincoln Burr, President White Library, Cornell University, Ithaca, N. Y.

William Vincent Byars, Temple Building, St. Louis, Mo.

A. Howard Clark, Smithsonian Institution, Washington, D. C.

Frank Cundall, F. S. A., Institute of Jamaica, Kingston, Jamaica, B. W. I.

Xavier da Cunha, Director of Bibliotheca Naçional, Rua de Gusmão, 12-2, Lisbon, Portugal.

Dr. Charles W. Dabney, University of Cincinnati, Cincinnati, Ohio.

Albion M. Dyer, "The Haddam," Cor. Euclid Avenue and Doan Street, Cleveland, Ohio.

Dr. A. Freimann, Stadtbibliothek, Frankfurt-am-Main, Germany.

Rev. Dr. Moses Gaster, Haham, 193 Maida Vale, W., London, England.

Prof. Ludwig Geiger, W. 50, Schaperstrasse 8, Berlin, Germany.

Rev. Prof. Dr. Hermann Gollancz, 12 Clifton Gardens, Maida Hill, W., London, England.

Dr. Max Grunwald, II Ferdinandstrasse 23, Vienna, Austria.

Henry S. Q. Henriques, M. A., B. C. L., 176 Gloucester Terrace, Hyde Park, W., London, England.

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[1] This list corrected to July 15, 1918. Kindly notify the corresponding secretary of all errors and changes therein.

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John W. Jordan, Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.

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J. T. Medina, Santiago, Chile.

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Lucien Wolf, 2 Verulam Buildings, Gray's Inn, W. C., London, England.

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Newport Historical Society, Newport, R. I.
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A.

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Hon. Edward Lauterbach, 22 William Street, New York.
Samuel F. Leber, 581 Central Avenue, East Orange, N. J.
Captain Herbert H. Lehman, U. S. A., 16-22 William Street, New York.
Hon. Irving Lehman, 37 W. 69th Street, New York.
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Hon. David Leventritt, 111 Broadway, New York.
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